

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCES

CHAPTER 1

GOVERNMENT OPERATIONS

1.10 MEMBERS OF THE VILLAGE BOARD

The Village Board will consist of seven (7) members, the Village President and six (6) Trustees. The Village President position along with three (3) trustees positions will be elected every two years in the Spring Election on an odd year and the remaining three (3) trustees will be elected in the Spring Election on an even year.

The members of the Village Board will remain at seven (7) unless the amount is changed by the Village Board by enactment of a Charter Ordinance in compliance with Wisconsin Statutes 61.20, 61.195, and 61.32.

If a vacancy occurs on the Village Board at any time for any of the Board Members position the Village Board will appoint an individual to fill the vacancy in compliance with section 1.14 of these ordinances. However, if the Village President's position becomes vacant for any reason, the Board may appoint any of the Trustee's to the remaining unexpired term in compliance with 61.325 of the Wisconsin Statutes.

Adopted July 27, 2004

1.101 AN ORDINANCE OUTLINING PROCEDURES FOR SALE OF VILLAGE PROPERTY

SECTION 1: The Village of Solon Springs owns several lots within the Village of Solon Springs, some buildable, some classified as wetlands by the Department of Natural Resources and some single lots, which do meet the square footage requirements as specified by the Village of Solon Springs building codes for a home or a building to erected on them.

SECTION 2: The Village Board of the Village of Solon Springs would like to maintain growth and development in their community. For this purpose, the Village Board will follow the procedures as listed below for the sale of any village land that serves no purpose to the Village with the power to do so as bestowed by Wisconsin Statutes 61.34 (3m).

(1) Individuals interested in purchasing Village lot(s) must make a request to the Village Board.

(2) Upon approval by the Village Board to sell a village lot or lots, an advertisement for bids will be let stating the legal description, the minimum bid as established by the Village board, which cannot exceed the land value established on lots in that immediate area, the deadline for submitting the bid and the date of the public meeting when the bids will be open.

(3) All bids shall be made on an official bid blank as provided by the Village Clerk and sealed in an envelope before retuning it to the Village Office.

(4) Each official bid blank will include the attached:
For any group of lots, which are not deemed wetlands and have established as buildable lots, the awarded bidder will be required to build a home or a building as approved by the Board, valued at \$50,000.00 or more within one year from the date of the sale.

a. If the purchaser cannot meet the deadline for building the purchases must come to the Village board and request an extension of time prior to the period ending.

b. If the purchaser does not comply with stipulation a., the lots sold to the purchased will revert back to the Village of Solon Springs, the purchaser will forfeit any fees paid on the lots to the Village.

For any single lot, which does not meet the required square footage for building as dictated by the Village of Solon Springs Building Codes, or has not been deemed as wetlands by the Department of Natural Resources, the village board reserves the right to sell by warranty deed a single lot to an adjoining property owner upon their request to purchase has been made to the Village Board and proper notice has been given to the public of the sale.

Adopted July 27, 2004.

1.103 AN ORDINANCE PROHIBITING THE USE OF TOBACCO PRODUCTS IN THE VILLAGE HALL OR COMMUNITY CENTER

The Village Board through power granted by Wisconsin Statutes 61.34 (1), to have management and control over all Village of Solon Springs property, hereby prohibits use of tobacco products within the Village Hall or Community Center.

Any individual found using tobacco products on the above described premises may be subject to penalties set forth in Chapter 10.02 of the Village of Solon Springs Code of Ordinances.

Adopted July 27, 2004.

1.11A AMENDMENT TO SALARIES OF THE VILLAGE BOARD

Ordinance 1.11 allows each Village Board member, as they are elected or re-elected to office to receive in addition to their monthly salaries, a twenty-five dollar (\$25.00) increase each month. The Board imposed this action so that the salaries of each board member were consistent with the salaries paid to board members in other communities and rising inflation.

The Village Board dissolved the above action for one year and agreed to review this on an annual basis to determine the need. This will

take effect with board members who are elected in the April 2005 election, and thereafter unless otherwise changed by the Village Board.

Adopted July 27, 2004

1.12 EMPLOYEE SUPERVISOR EXPENSE

The Village Board by appointment will select a member of the Village Board to serve as the employee supervisor. For the added travel and time required by this position, the appointed Board member will receive thirty three dollars (\$33.00) a month unless otherwise changed by the Village Board by a majority vote.

Adopted July 27, 2004.

1.13 MEETINGS OF THE VILLAGE BOARD

Wisconsin Statute 61.32 requires the Village Board to convene for a regular meeting each month. The Village Board scheduled the regular monthly meeting to convene on the fourth (4th) Monday of each month at 7:00 p.m. The scheduled meeting day and time will remain in effect unless otherwise changed by the Village Board by an ordinance.

All other meetings of the Village Board will be called in the manner set forth by Wisconsin Statutes 61.32.

Adopted July 27, 2004.

1.14 POLICIES FOR FILLING A VACANCY OF THE VILLAGE BOARD

In the event a vacancy occurs with one of the Board member's position due to death, resignation or removal from office, or for any other just causes outlined by state law, the vacancy shall be filled by appointment by the remaining members. Appointed board members shall serve for a period of time outlined in the state statutes. The appointment shall not necessarily be for the entire unexpired term.

Board vacancies shall be published as a Class II notice in the Village of Solon Springs' legal newspaper. Qualified electors may submit a declaration of interest to the Village Clerk, or Board Members may contact qualified electors and submit a nomination to the Board on their behalf.

Candidates for a vacancy on the board shall be considered at an open meeting, unless there are exceptional reasons to consider the candidates in closed session. The Board may consider the candidate in a closed session only if the discussion involves financial, medical, social, or personal histories, or disciplinary data which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the candidates.

Appointment to the Board shall be by election of the remaining members. The candidate appointed to the vacancy shall, pending acceptance and filing of the Oath of Office, be seated at a board meeting.

PROCEDURE

The following procedure will be used to appoint qualified individuals to fill vacancies which may arise on the Village Board.

NOTICE OF VACANCY WILL BE PUBLISHED:

The electorate will be given notice that a vacancy exists on the Village Board and that the Board will be appointing a qualified individual to fill the vacancy. The notice shall specify the procedures by which candidates are to inform the Village of their interest in being considered for such an appointment. Interested electors shall file a Declaration of Interest with the Village Clerk. The notice shall be published as a Class II notice in the Village's legal newspaper.

DEADLINE FOR FILLING A DECLARATION OF INTEREST OR NOMINATION BY BOARD MEMBER:

After notice has been given, a reasonable length of time will be provided for people to determine whether or not they wish to be considered for appointment to the vacancy. Individuals so desiring consideration must file a Declaration of Interest with the Village Clerk by the date of their candidacy. Board Members must also nominate candidates, if they so desire, by said date.

APPOINTMENT:

1. Interview

Two Trustees may call a special meeting of the full board to conduct personal interviews of the candidates and to elect one candidate to fill the vacancy. Each candidate shall be given the opportunity to present a statement in his/her behalf, respond to questions from the board members, and any qualified elector of the Village of Solon Springs shall be given an opportunity to make a statement on behalf of the candidate. The Board reserves the right to limit the duration and number of such statements.

2. Discussion

Upon completion of the candidate's interviews, the Village President shall call for discussion by board members. Adjournment to Executive Session to discuss any candidates may be called for by a board member upon proper public notice, if and only if, said board member has actual knowledge of information which he/she reasonably believes will have a substantial adverse effect upon reputations if divulged in open session and there is a strong likelihood of such information being divulged in open session.

3. Appointment

The appointment procedure will be accomplished by motion. If a motion fails, either for want of a second or for a lack of a majority, another motion

shall be entered and the process completed until a candidate has received of a simple majority of the remaining members.

4. Oath of Office

Within five (5) days after the appointment of any person to the Village Board the Village Clerk shall notify the person of his/her appointment. On or prior to the day provided for taking office, the Village Clerk shall take and file the official oath. The appointee shall then be seated on the Village Board.

Legal references: 17.03, 17.24, 19.01, 16.197, and 61.23 of the Wisconsin Statutes.

Adopted July 27, 2004.

1.141 AN ORDINANCE TO HONOR AND RESPECT OF THE UNITED STATES FLAG AND COUNTRY

In support the Constitutional Amendment to Section 700 of Title 18, United States Code, with respect to the *Flag* desecration, to prohibit any burning of the United States Flag.

To honor our County and Flag the Pledge of Allegiance will be recited at all regular meetings of the Village Board of the Village of Solon Springs.

Adopted July 27, 2004.

1.142 AN ORDINANCE ESTABLISHING THE TYPE OF FLAG TO BE

FLOWN ON ALL VILLAGE OF SOLON SPRINGS FLAG POLES

The Village Board of the Village of Solon Springs do ordain as follows:

Wisconsin Statutes 61.34 grants power to the Village Board over all Village of Solon Springs public lands and public properties.

To honor our country and state, the flags flown on the flag poles located on all public land of the Village of Solon Springs shall be limited to the following:

1. United States Flag
2. Wisconsin State Flag
3. Prisoner of War (when necessary)
4. Missing in Action (when necessary)

At no time will any other flag than what is listed above, be flown on the Village of Solon Springs Flag Poles.

This ordinance shall take effect upon proper publication and posting.

Adopted March 22, 2004.

1.15 CODE OF ETHICS

Section 1: That Chapter 1, Section 15 be created to read:

1.15 DECLARATION OF POLICY

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the

people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and pursuant to 19.59 and 61.34, Wis. Stats., there is hereby established a code of ethics for all Village officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best of the Village and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. This code is hereby declared to be in the best interests of the Village.

1.151 STATE STANDARDS OF CONDUCT. Incorporated by
Reference

The following sections of the Wisconsin Statutes are made a part of this Code of Ethics as if fully set forth herein:

- a. Section 946.10 – Bribery of Public Officials and Employees
- b. Section 946.11 – Special Privileges from Public Utilities
- c. Section 946.12 – Misconduct of Public Office

d. Section 946.13 – Private Interest in Public Contact
Prohibited

1.152 RESPONSIBILITY OF PUBLIC OFFICE

Public officials and employees are agents of and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to impartially carry out all laws of the nation, state, and Village and to observe the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

1.153 LOYALTY TO OFFICE AND SCOPE OF EMPLOYMENT

All public officials and employees of the Village shall operate within the scope of the powers delegated by law, ordinance, or job description to the elected or appointive office or position of employment which they fill.

1.154 FAIR AND EQUAL TREATMENT

a. Use of Public Property. No Official or employee shall permit or engage in the unauthorized use of Village-owned vehicles, equipment, materials, or property for personal convenience or profit.

b. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

1.155 CONFLICT OF INTEREST

a. Financial and Personal Interest Prohibited. No official or employee, whether paid or unpaid, shall engage in any business or other transaction or act with respect to financial or other personal interest, direct or indirect, in a manner which is incompatible with the proper discharge of official duties or is contrary to the provisions of this ordinance or which would tend to impair independence of judgment or action in the performance of official duties.

b. Definitions.

1. Financial Interest means, anything which shall yield, directly or indirectly, a monetary or other material benefit to an officer or employee or to any person employing or retaining the services of an officer or employee.

2. Personal Interest means, any interest arising from blood or marriage relationship or from close business or political associations, whether or not any financial interest is involved.

3. Person means, any person, corporation, partnership, or joint venture.

c. Special Conflicts Enumerated.

1. Incompatible Employment. No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper

discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

2. Disclosure of Confidential information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Village, nor shall such information be used to advance the financial or other provide interest of the official or employee or others.

3. Gifts and Favors. No official or employee shall accept any gift, whether in the form of a service, loan, thing, or promise, from any person which may tend to impair his or her independence of judgment or action in the performance of his or her duties or grant to anyone in the discharge of his or her duties any improper favor, service, or thing of value. Any official or employee who receives, directly or indirectly, any gift or gifts having an aggregate value of more than \$50 within any calendar year from any person who is known by said official or employee to be interested directly or indirectly in any manner whatsoever in business dealings with the Village upon which the official or employee has any influence or input or over which the official or employee has jurisdiction, discretion or control, shall disclose the nature and value of such gifts to the Ethic Committee by January 20 next following in which the gift or gifts are received.

No official or employee may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could reasonably be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.

An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village Official or employee. Participation in celebrations, grand openings, open houses, informational meetings, and similar events is excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

Gifts received by an official or employee shall be referred to the Ethics Committee within 10 days of receipt for recommended disposition.

4. Representing Private Interests before Village Agencies. No officer or employee shall appear on behalf of any private person (other than him or herself, his or her spouse or minor dependent children) before any Village agency. However, members of the Village Board may appear before Village agencies on behalf of constituents in the course of their

duties as representatives of the electorate or in the performance of public obligations.

d. No official or employee of this Village shall participate in the selection, award , or administration of a contract awarded by the Village if a conflict of interest, real or apparent, would be involved. Such a prohibited conflict arises when the official or employee, any member of his or her immediate family, or a partner, or an organization which employs, or is about to employ, any of the above has a financial or other interest in the award of the contract.

e. Contracts with the Village. No official or employee who in his or her official capacity participates in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his or her part, shall enter into any contract wit the Village except as is permitted under 946.13, Wis. Stats., unless:

1. The contract is awarded through a process of public notice and competitive bidding, or

2. The Village Board waives the requirement of this section after determining that it is in the best interests of the Village to do so.

The provisions of this Section shall not apply to the designation of a public depository of public funds.

e. Disclosure of Interest in Legislation. Any member of the

Village Board who has a financial interest or personal interest in any proposed legislation shall disclose on the records of the Village Board the nature and extent of such interest.

Any other official or employee who has a financial or personal interest in any proposed legislative action or of the Village Board upon which action the official or employee has any influence or input shall disclose to the Village Board the nature and extent of such interest.

1.156 ADVISORY OPINION

Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems necessary or appropriate, may request an advisory opinion from the Village Attorney.

1.157 JURISDICTION AND APPLICATION

The Village Board shall have administrative jurisdiction over this Code of Ethics and shall be deemed the Ethics Committee for that purpose.

a. The committee may make recommendations with respect to amendments to this Code of Ethics.

b. Upon the sworn complaint of any person alleging acts which, if true, would constitute improper conduct under the provisions of this ordinance, the committee shall conduct an investigation of the facts of the complaint, if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the committee shall conduct a

public hearing in accordance with the common law requirements of due process including notice, an opportunity to be heard, an opportunity to cross-examine witnesses, and to present testimony and other evidence in support of the accused position and an opportunity to be represented by counsel or other representative at the expense of the accused. The committee shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.

c. In the event a member of the Village Board is allegedly involved in an ethics code violation, the Village President, subject to the confirmation of the Village Board, shall appoint a third person, who is an official or employee of the Village, to temporarily replace the member of the committee who is under investigation.

d. In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an ethics code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this ethics code.

1.158 SANCTIONS

A determination that an official's or employee's actions constitute improper conduct under the provisions of this ordinance may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

1.159 DISTRIBUTION OF CODE OF ETHICS

The Village Clerk shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the Village within thirty (30) days after enactment of this Code as well as to each public official and employee elected or appointed, entering upon his or her duties.

Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement, will be consistent with the terms and conditions set for in the applicable labor agreement.

SECTION 2: That this ordinance shall take effect upon passage and publication as provided by law.

Adopted May 26, 2010.

1.15-A AN ORDINANCE REQUIRING A TON LIMIT TO BE PLACED ON DESIGNATED STREETS IN THE VILLAGE.

SECTION 1: In order for the Village Board to preserve the condition of East 3rd Street, from County Road A to Main Street; Balsam Avenue; Beach Avenue; and East 5th Street, from County Road A to a block north on Main Street by this ordinance, the Village Board will place ton limit signs on these streets as bestowed to them through Wisconsin Statutes 61.34 (1) and 61.36.

SECTION 2: The ton limit signs will specify that no more than ten (10) tons or less will be allowed on the streets stated in Section 1 of this ordinance.

SECTION 3: Any truck found to be traveling on the streets stated in Section 1 of this ordinance, by any Village Official or employee, having tonnage limits above the ten (10) ton limit specification, shall be subject to a minimum fine of \$10.00 to a maximum fine of \$100.00.

SECTION 4: All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby to such extent repealed.

SECTION 5: This ordinance shall take effect upon proper passage and publication.

Adopted October 24, 1994.

1.15-B AN ORDINANCE IMPOSING HOTEL/MOTEL ROOM TAX

SECTION 1: Definitions

For the purpose of this ordinance the following terms, phrases, words and their derivation shall have the meaning given herein:

(a) Transient. Means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations to the public.

(b) Hotel and Motel. Means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, cabins, and any other building or group of buildings in which accommodations are available to the public except accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by corporations or associations, organized and operated exclusively for religious or educational purposes provided that no part of the net earnings of such corporation and associations inures to the benefit of any private share holder or individual.

SECTION 2: Tax Levy; amount. Pursuant to Wisconsin Statutes, Section 66.75, a tax is hereby imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of two percent (2%) of the gross receipts from such retail furnishing of rooms or lodging, and will commence January 1, 1996.

SECTION 3: Allocation of tax. Commencing January 1, 1996, the two percent (2%) room tax applicable to all motels and hotels and likee accommodations shall be allocated to the activities and the promotions of the Solon Springs Development Commission, Inc., which was created on

August 17, 1992 for the purpose of promoting economic development in the Town and Village of Solon Springs. This Commission consists of a Board of Directors which is served by twelve (12) members of the Solon Springs Community. This Commission shall direct the application of the hotel/motel tax collected pursuant to this ordinance.

SECTION 4: Commencing January 1, 1996, the two percent (2%) room tax applicable to all motels and hotels and like accommodations shall remain in effect, with no change in the amount unless otherwise deemed by a majority vote of the Village Board, and upon an advanced thirty (30) day written notice service to all hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations.

SECTION 5: Records Available for Inspection

Every person liable for the tax imposed by this ordinance shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the Village of Solon Springs required and shall allow the Village of solon Springs access to such records at any reasonable time.

SECTION 6: Penalties

Any person who is subject to the tax imposed by this ordinance who fails or refuses to permit the inspection of his/her records by the Village of Solon

Springs after such inspection has been duly requested by the Village of Solon Springs, or who fails a return as provided in this ordinance, or who violates any other provision of this ordinance, shall be subject to a forfeiture as provided in Chapter 10 of the Village of Solon Springs code of Ordinances. Each day, or portion thereof, that such violation continues is here by deemed to constitute a separate offence.

SECTION 7: If any section, sentence, clause or phrase of this ordinance 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 section, subsection, sentence, clause or phrase or portion thereof.

SECTION 8: This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

SECTION 9: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Adopted September 25, 1995.

1.18 AN ORDINANCE DESIGNATING A SWIMMING AREA IN THE VILLAGE OF SOLON SPRINGS

SECTION 1: The lake accesses owned by and located in the Village of Solon Springs are not safe for people to swim at. The few the Village has where people are known to swim are also where boats are launched

and docked, which if people are found to be swimming there at the same time, has the potential to create a great liability.

SECTION 2: There is a very nice beach along the shores of St. Croix Lake in the Village of Solon Springs located in Douglas County's Lucius Woods Park. This beach area is open to the public for swimming. Therefore, the Village Board will require anyone wanting to swim at a public access to use the beach area located in Lucius Woods Park. This will be the only allowable public swimming area within the Village of Solon Springs limits.

SECTION 3: Any person who is found to be in violation of this ordinance may be subject to fines and/or penalties as stated in Section 10 of the Village of Solon Springs Code of Ordinances.

SECTION 4: This ordinance shall supercede any ordinance or resolution found to be in conflict with this ordinance.

SECTION 5: This ordinance shall take effect upon property posting and publication as stated in Wisconsin Statutes.

Adopted August 28, 2006.

1.19 AN ORDINANCE TO PROHIBIT USE OF TOBACCO PRODUCTS IN THE VILLAGE OF SOLON SPRINGS HALL

SECTION 1: Through Wisconsin Statutes 61.34(1), the Village board is given power of management and control of all Village of Solon Springs property.

SECTION 2: To promote a cleaner environment and better health, the Village Board by this ordinance prohibits the use of tobacco products within the Village of Solon Springs' Hall.

SECTION 3: This ordinance will take effect upon proper publication as stated in Wisconsin Statutes 61.50(1).

SECTION 4: All ordinances in conflict with this ordinance shall become null and void.

Adopted April 24, 2000.

1.22 AN ORDINANCE FOR INSTALLATION OF STOP SIGNS

SECTION 1: Wisconsin Statutes 349.07(8) provides power to the Village Board to install stop signs at intersections on highways over which it has exclusive jurisdiction.

SECTION 2: East 3rd Street and East 5th Street serve as thoroughfare roads from County Highway A to Main Street. In order to prevent vehicle owners from traveling at excessive speeds on the above described streets, providing a safe area within these residential districts, the Village Board will install stop signs on E. 3rd Street at Park Avenue and

Walnut Avenue and on East 5th Street at the intersection of Maple and Beach Avenue.

SECTION 3: Vehicle owners in violation of the stop signs installed in the aforementioned locations will be subject to penalties as stated under Wisconsin Statutes 346.

SECTION 4: This ordinance shall supercede all ordinances in conflict with this ordinance.

SECTION 5: This ordinance shall take effect within thirty (30) days from the date of proper publication and posting.

Adopted May 22, 2000.

1.22-A AN ORDINANCE APPOINTING THE CLERK AND TREASURER OF THE VILLAGE OF SOLON SPRINGS

Section 1: These appointments are not to be governed by Statutes. The Village of Solon Springs pursuant to Section 61.195, 61.197(c), and 66.0101 of Wisconsin Statutes, hereby elects not to be governed by those portion of Chapter 61, Wis. Stats., which are in conflict with this Section (Note: charter ordinance)

Section 2: The office of the Village Clerk and the office of the Village Treasurer shall be appointed by the Village Board.

Section 3: The Village Clerk and the Village Treasurer shall execute to the Village a surety company fidelity bond in an amount determined by

the Village Board. State law reference: Section 61.22, 61.25, and 61.26, Wis. Stats.

Section 4: The Village Clerk shall be responsible for performing those duties required by Section 61.25, et al of the Wisconsin Statutes and as specified in the job description for the Village Clerk's position that is included in the Village of Solon Springs Personnel Policies. The Village Clerk position is a full-time position with compensation and benefits being determined by the Village Board.

Section 5: The Village Treasurer shall be responsible for performing those duties required by Section 61.26, et al of the Wisconsin Statutes and as specified in the job description for the Village Treasurer's position that is included in the Village of Solon Springs Personnel Policies. The Village Treasurer's position is a part-time position with compensation and benefits being determined by the Village Board.

Section 6: The Board will follow the procedures outlined in the Village of Solon Springs Personnel Policies in the event a personnel issue arises with either the clerk or treasurer.

Effective date: 1/30/09

1.30 VILLAGE EMPLOYEES

SECTION 1: The Village Employees consist of:

Two (2) Full-time Laborer's/Equipment Operators/Sewer Maintenance Employees

One (1) Full-time Clerk

One (1) Part-time Treasurer

SECTION 2: All employees follow the procedures set by the Village of Solon Springs Personnel Policies adopted by the Village Board September 10, 1988 and Wisconsin Statutes.

SECTION 3: The two full-time Laborer's/Equipment Operators/Sewer Maintenance People follow the three (3) year contract with the Equipment Operator's Local 139 Union, which follow the procedures set forth in the Village Personnel Policies on file in the office of the village clerk. The two-full time laborers/equipment operators/sewer maintenance employees and the village clerk participate in the Wisconsin Retirement System which was established by the Village Board by resolution in 1996.

SECTION 4: In compliance with what is stated in the Village of Solon Springs Personnel Policies, these procedures shall remain in effect until such time they are rescinded or changed by the Village Board.

Adopted July 27, 2004.

1.40 ASSESSOR POSITION

The Village of Solon Springs' Assessor position is an appointed position by the Village Board in compliance with Wisconsin Statutes 61.197 sub. f.

The Assessor has a contract with the Village of Solon Springs, which renews from year to year and cannot be terminated by either the Assessor or Village Board unless a thirty (30) day advance warning is given by either party.

Adopted July 27, 2004.

1.41 BOARD OF REVIEW

Board of Review will consist of at least two (2) Village Trustees, the Village President, the Village Assessor and Village Clerk.

Each meeting of Board of Review will convene for not less than two (2) hours in compliance with Wisconsin Statutes 70.47 sub. 3b.

Board of Review meetings and publications of meetings will follow the guidelines as set forth in Wisconsin Statutes 70.47.

Adopted July 27, 2004.

1.42 AN ORDINANCE ANNEXING TERRITORY TO THE VILLAGE OF SOLON SPRINGS

The Village Board of the Village of Solon Springs, Wisconsin, does ordain as follows:

SECTION 1: Territory Annexation.

In accordance with Section 66.0217(2) of the Wisconsin Statutes and the Petition for Direct Annexation by unanimous approved filed with the Village Clerk on the 2nd day of January, 2003, signed by Patrick O'Brien, Linda O'Brien and Solon Springs storage Company LLC, as owners of all the real property in the territory, the following described territory in the Township of Solon Springs, Douglas County, Wisconsin, is annexed to the Village of Solon Springs:

Lots 1 & 2 of Certified Survey Map, No. 795 located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Township 45 North, Range 12 West, Township of Solon Springs, Douglas County, Wisconsin.

There are no persons currently residing in the territory described in

SECTION 2: Effect of Annexation

From and after the date of this Ordinance, the territory described in Section 1 shall be a part of the Village for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village.

SECTION 3: Zoning Classification

The Village Board, which is also the Zoning Commission, has reviewed the potential uses for such territory and the zoning for the area near and around the territory described in Section 1 and hereby designates the

territory to be annexed to be temporarily zoned “light industrial” under the Village’s zoning ordinance. The Zoning Commission is directed to prepare an amendment to the zoning ordinance setting forth a permanent classification and regulations for the zoning of the annexed area and to submit its recommendations to the Village Board as soon as practicable.

SECTION 4: Severability

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 5: Effective Date

This ordinance shall take effect upon passage and publication as provided by law.

Adopted January 27, 2003

1.60 AUTHORIZING THE RETAIL SALE OF CLASS “B” LIQUOR SALES

The Village Board pursuant to Wisconsin Statute 125.51 approves a Class “B” license authorizing the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to

exceed four (4) liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.

1.61 PROHIBITING ISSUANCE OF ALCOHOL BEVERAGE LICENSES FOR NONPAYMENT OF TAXES, ASSESSMENTS AND CLAIMS

Any liquor license holder who is found to be in non-payment of delinquent taxes, assessments, or other claims, will be prohibited from renewing an existing alcohol beverage license until proof is provided to the Village of Solon Springs that all delinquent taxes, assessments, or claims that are due have been paid in full.

Adopted July 27, 2010.

1.90 CABLE TELEVISION FRANCHISE ORDINANCE

CHAPTER 1

1. Definitions. The following words and phrases, whenever used in this Chapter shall be construed as defined below:

a. "Basic Cable Service" shall have the meaning given in 47 U.S.C. 522(3), as in effect on the date hereof.

b. "Cable Service" shall mean the transmission to subscribers of video programming or other programming service.

c. "Grantee" shall mean Northwest Community

Communications and its successors and assigns.

d. "Gross Revenues" shall mean the Grantee's gross revenues derived from the provision of Cable Service to subscribers in the Municipality. "Gross Revenues" shall not include (i) revenues from franchise Fees, pay-per-view, advertising, telecommunications services (other than cable service), or any tax or fee on services furnished by Grantee and imposed by any municipality, state or other governmental unit, or (ii) bad debt.

e. "Municipality" shall mean Village of Solon Springs.

2. Grant of Franchise. This Chapter grants to Northwest Community Communications, LLC with offices at Amery, a non-exclusive franchise to install, maintain and operate a system ("System") for the transmission of voice, video and data. Grantee is hereby granted the right to erect, maintain, and operate such a System in the streets, alleys, public right-of-ways and utility easement located in the Municipality and all other public places (collectively, "Right-of-Way"). Grantee may erect its own poles and bury cables, as it deems necessary or appropriate, in such Right-of-Way.

3. Franchise Fee.

a. On or before March 31 of each year during the franchise, the Grantee shall pay to the Municipality a franchise fee ("Franchise Fee"). The Franchise fee shall be equal to three percent (3%)

of the Grantee's Gross Revenues generated from the sale of Basic Cable Service during the previous calendar year.

b. Franchise fee revenues shall be paid by the Grantee to a fund designated by the Municipality for PEG uses and the Municipality shall use Franchise Fee revenues only for the purpose of establishing and/or operating public access, educational or government programming channels ("PEG Uses").

4. Term. The term of this franchise grant shall be fifteen (15) years, and provided this franchise has not been sooner revoked pursuant to paragraph 11, shall automatically be extended for additional terms of fifteen (15) years each.

5. Compliance with Federal Law. The Grantee shall maintain its System in compliance with all regulations of the Federal Communications Commission applicable to the provision of the Cable Service, ("FCC Regulations"), including technical and periodic filing requirements and applicable privacy laws.

6. Method of Installation. All installations by the Grantee shall be made in good, substantial, safe condition and maintained in such conditional at all times. Grantee shall restore all areas of construction and/or excavation so as to repair damage done by Grantee to such areas in the course of constructing its cable television system.

7. Authority to Trim Trees. The Grantee shall have the authority to trim trees upon any overhanging streets, alleys, sidewalks and other public places of the Municipality so as to prevent the branches of such trees from coming in contact with wire and cables of the Grantee.

8. Indemnity; Insurance.

a. The Grantee shall indemnify, and hold the Municipality and its employees harmless from all claims, damages, losses and expense sustained by the Municipality on account of any suit, judgment, execution, claim or demand whatsoever arising out of the Grantee's installation, operation, maintenance, repair, use or removal of its System, except for such claims, damages, losses and expenses, including attorney's fees, which are attributable in whole or in part to acts of the Municipality or its employees or agents.

b. The Grantee shall maintain throughout the term of the franchise a general comprehensive liability insurance policy. A certificate of insurance coverage shall be provided to the Municipality upon request.

9. Unauthorized Connections or Modifications.

a. It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency, without the prior written consent of the Grantee, to make or possess any connection, extension or diversion, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the Grantee's System

for any purpose whatsoever. A violation of this paragraph shall be considered a separate violation for each 24 hour period the violation occurs.

b. It shall be unlawful for any firm, person, group, company, corporation or government body or agency to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of Grantee's System for any purpose whatsoever.

10. Transfer and Assignment. This franchise may be assigned, pledged, hypothecated, mortgaged or transferred (each a "Transfer") by Grantee so long as Grantee provided the Municipality with prior written notice of such Transfer and the transferee certifies in writing that it will comply with each and every term of this franchise.

11. Franchise Revocation.

a. The Municipality may, subject to federal and state law and the procedure in paragraph (b) below, revoke the franchise granted hereunder in the event of Grantee's material and substantial breach ("Breach") of this Chapter.

b. In the event of a claimed Breach of this Chapter, the Municipality shall promptly give Grantee written notice of such Breach, which notice shall describe in reasonable detail the scope and nature of such Breach. Grantee shall then have sixty (60) days in which to cure such Breach. If such Breach is not cured within such sixty (60) day period, the

Municipality may, after providing Grantee notice and an opportunity to be heard, revoke this franchise. Prior to the hearing on such revocation, the Municipality may, after providing Grantee notice and an opportunity to be heard, revoke this franchise. Prior to the hearing on such revocation, the Municipality shall provide the Grantee with a reasonably detailed written summary of the reasons for the revocation. The revocation shall be subject to de novo judicial review.

12. Rates and Charges. The rates and charges for services to subscribers, including, among other things, installation charges, processing or late fees, and modification charges, shall be set by Grantee in compliance with applicable FCC Regulations.

13. Modifications. Amendments or modifications to this Chapter may be made only after giving Grantee prior written notice and an opportunity to be heard. Amendments or modifications which may have an adverse impact on Grantee may be made only upon the mutual agreement of the Municipality and Grantee.

Note: the original agreement was with Vision Communications, revised May of 2009 to present company.

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCE

CHAPTER 2

FIRE DEPARTMENT/COMMISSION

2.01 ORGANIZATION OF A JOINT FIRE DEPARTMENT

The Volunteer Fire Department of the Village of Solon Springs is hereby recognized as the Joint Fire Department of the Town and Village of Solon Springs with the duty of fire fighting, prevention of fires, first responder and rescue service as may reasonably be required.

Its organization and internal regulations shall be governed by the provisions of this ordinance, and by such by-laws adopted by the department as are approved by the Village Board and Town Board of Solon Springs, except otherwise provided by law, ordinance or resolution.

- a. The Joint Fire Department is authorized to adopt by-laws for the

regulation of proceedings of the department, which by-laws, after adoption by two-thirds (2/3) vote of the members of the department, shall not become effective until presented to and approved by the Village and Town Board. Any amendments to these by-laws shall be adopted in the same manner.

b. Membership in the Fire Department shall be in accordance with the by-laws adopted by such department. At no time shall the department consist of less than twenty-two (22) active members.

c. Resignation from the department shall be in accordance with the by-laws.

d. The affairs of the Joint Fire Department shall be administered by a Board of Commissioners, hereinafter mentioned.

e. Any compensation given to the members of the Joint Fire Department and Commission, hereinafter mentioned, shall be determined and approved by the Village and Town Boards of Solon Springs.

Adopted June, 2009

2.02 ORGANIZATION & MEMBERSHIP OF JOINT FIRE COMMISSION

The affairs of the Joint Fire Department shall be administered by a Board of Commissioners. The Board shall consist of five (5) members, with two (2) members being appointed by the Village Board, two (2) members being appointed by the Town Board and one (1) member being appointed by the Solon Springs Fire Commission who can reside in either the Town or Village of Solon Springs.

The appointed Commission Members shall serve a term of three (3) years.

Any vacancies on the Board of Commissioners, by virtue of death or resignation, or removal for cause, shall be filled in the same manner as the original appointment by the Town or Village Board. Such appointee shall hold office for the unexpired term.

The Board of Fire Commissioners shall select one (1) chief and such other officers as may be provided by the by-laws of the fire department, which said chief shall be responsible for the supervision and day to day operation of the Joint Solon Springs Fire Department, and shall be directly responsible to the Board of Fire Commissioners. The individual appointed as Chief shall hold office for a term as established by the Board of Fire Commissioners.

Adopted July 27, 2004.

2.03 POLICE POWER OF THE DEPARMENT

a. The Chief of the Fire Department and such other officers as shall be designated are hereby vested with full and complete police authority at fires or in connection with any emergency rescue work. Any officer of the department may cause the arrest of any person failing to give the right of way to the fire department in responding to a fire. The fire chief shall have full power to make such necessary orders as shall become necessary for the preservation of life and property from fire during the fighting of a fire, and shall have the power to order the removal or destruction of such property necessary to prevent the further spreading of the fire. The fire chief shall also have the power to remove all wires or other facilities, or to shut off electricity or other utilities or services where they may impede the work of the department during the progress of a fire.

b. **Firefighters** may enter adjacent property. It shall be lawful for any firefighter while acting under the direction of the fire chief or other designated officer of the Joint Fire Department, to enter upon the property adjacent to the building or property on fire for the purpose of extinguishing such fire. In the case that any person shall hinder or resist or obstruct such firemen or firewomen in the discharge of his or her duties, the person found offending shall be deemed to be resisting firemen or firewomen in the

discharge of their duties and may be subject to penalties as sent forth in Chapter 10 of the Village of Solon Springs Code of Ordinances.

Adopted July 27, 2004.

2.04 DUTY OF BYSTANDERS TO ASSIST

Every person who shall be present at a fire shall be subject to the orders of the fire chief or officers in command and may be required to render assistance in fighting a fire or in removing and guarding property. Such officers shall have the power to cause the arrest of any person or persons refusing to obey said orders.

Adopted July 27, 2004.

2.05 FIRE INSPECTOR & FIRE PREVENTION

a. The Chief of the Fire Department or such other officers as may be designated by the Fire Commission shall hold the office of Fire Inspector. Said inspector shall perform such duties as the Board of the Fire Commission shall direct. Fire Inspections of all public and commercial property in the Town and Village of Solon Springs shall be conducted at least once each year.

b. Whenever the inspection by a Fire Inspector reveals a fire hazard,

The Board of the Fire Commission shall serve a notice in writing upon the owner of the property, giving said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire Chief or such other officer is authorized to have the same removed and the cost of such removal shall be recovered through action taken by either or both the Town and Village Boards against the owner of the property.

b. No person shall deny the Fire Inspector free access to any property within the Village and Town of Solon Springs at any reasonable time for the purpose of making fire inspections.

Adopted July 27, 2004.

2.06 ANNUAL BUDGET AND APPROPRIATION OF FUNDS

The Joint Fire Commission no later than October 1st of each year will draft a budget for the upcoming new operational year, which will show in detail the anticipated expenditures and revenues and the amount the Department and Commission will require from the Village and Town of Solon Springs in order to operate the following year.

The Fire Commission will meet in joint session with the Town and Village Board Members on an annual basis to consider the budget and/or such other matters pertaining to the operation of the Fire Department or Fire Commission or at any other time upon the request of either the Town or Village Boards.

Adopted July 27, 2004.

2.07 APPARATUS AND EQUIPMENT

All apparatus and equipment of the Fire Department shall be used for the purpose of firefighting, rescue or training purposes within the Town and Village of Solon Springs or in mutual aid requests from other governmental entities. At no time shall apparatus and equipment of the Fire Department be used for activities other than what is described previously without the permission of the Village and Town Boards and Fire Commission

In the event of dissolution of the Solon Springs Fire Department and Commission, all assets of the Fire Department and Commission will become the assets of the Village and Town of Solon Springs to use, donate or sell at their discretion.

Adopted July 27, 2004.

2.08 ADOPTION OF FIRE CODES OF THE WISCONSIN

ADMINISTRATIVE CODE

The Village of Solon Springs hereby adopts by reference the following orders and codes of the Wisconsin Administrative Code, rules of the Department of Industry, Labor and Human Relations.

1. Chapter ILHR 32-Safety
2. Chapter ILHR 33-Explosive materials
3. Chapter ILHR 15-Cleaning & dyeing
4. Chapter ILHR 10-Flammable and Combustible liquids
5. Chapter ILHR 11-Liquified Petroleum gases
6. Chapter IND 221-Spray Coating
7. Chapter ILHR 50-64-Building, heating ventilating and air conditioning
8. Chapter IND 65-Fire prevention
9. Chapter ILHR 12-Liquified natural gas
10. Chapter ILHR 13-Compressed natural gas
11. Chapter ILHR 69-Fee structure
12. Chapter ILHR 14-General fire hazards

The Solon Springs Joint Fire Department shall carry out and follow the codes as they pertain to the Village of Solon Springs to the best of their ability.

2.09 OPEN BURNING ORDINANCE

The Village of Solon Springs prohibits the open burning of asphalt, rubber, plastic, wet garbage, oily substances, unsorted household garbage, treated wood or any other substance that when burned creates toxic fumes. Open burning of leaves, brush, clean paper, cardboard and untreated wood may only be conducted within the jurisdiction limits of the Village of Solon Springs through a burning permit issued by the Village of Solon Springs or its designee.

The normal burning permit hours will be restricted to the hours established for the State of Wisconsin Burning Permits. Further, the Fire Chief reserves the right to change or cancel hours of burning or permits as fire risk conditions dictate.

Any person or persons found to be in violation of this ordinance may be subject to fines as outlined in Chapter ten (10) of the Village of Solon Springs Code of Ordinances. Amended and adopted this 24th day of August, 2009.

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCES

CHAPTER 3

ORDERLY CONDUCT

&

NUISANCES

3.01 DISCHARGING AND CARRYING FIREARMS & GUNS PROHIBITED

Section 1: No, person except a sheriff, constable, marshal, police officer, game warden or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village of Solon Springs, or have any of the above in their possession or under their control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB guns upon private premises by person over sixteen (16) year of age or under the direct personal supervision of a parent or guardian. This section shall be deemed to prohibit hunting within the Village, provided that the Village Board/Village Clerk may issue written permits to owners or occupants of private premises to hunt or shoot on such premises if they find such privileges necessary for the protection of life or property and subject to such safeguards as they may impose for the safety of the lives and property of other persons within the Village.

Section 2: No person shall carry or go armed with a firearm in any building or establishment open to the public except a bona fide firearm

repair, display or sales establishment, unless such firearm is so stored and concealed (not on the Person) so as not to be readily accessible to any person or patron. This section shall not apply to peace officers or others duly authorized by law within the line of duty.

Any firearm involved in the offense herein may be seized, and shall be subject to return to the rightful owner, destruction, or transfer to the State Crime Laboratory pursuant to Section 968.20 of the Wisconsin Statutes. Said firearm may be destroyed by the Village twelve (12) month after the seizure if an application, a copy of which is to be served on the Village Clerk, is not made in Circuit Court of Douglas County pursuant to Section 968.20 (1) of the Wisconsin Statutes prior to destruction. At least sixty (60) days prior to destruction, the Village shall make written inquiry of the State Crime Laboratory identifying the firearm as fully as possible in the event the firearm is needed for evidentiary or research purposes.

Adopted July 27, 2004.

3.02 THROWING OR SHOOTING OF ARROWS, STONES, AND OTHER MISSILES PROHIBITED

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means at any other

person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Solon Springs.

Adopted July 27, 2004.

3.03 OBSTRUCTING STREETS & SIDEWALKS PROHIBITED

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk or public ground within the Village in such a manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress from any place of business or amusement, church, public hall or meeting place.

Adopted July 27, 2004.

3.04 DISORDERLY CONDUCT PROHIBITED

No person shall within the Village of Solon Springs do as follows:

a. In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.

b. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

A fine may be imposed as outlined in Chapter 10 of the Village of Solon Springs' Code of Ordinances if any person is found to be in violation of this ordinance.

Adopted July 27, 2004.

3.05 LOUD AND UNNECESSARY NOISE PROHIBITED

No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

A fine may be imposed as outlined in Chapter 10 of the Village of Solon Springs' Code of Ordinances if any person is found to be in violation of this ordinance.

Adopted July 27, 2004.

3.06 FALSE ALARM FIRES

No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

Adopted July 27, 2004.

3.07 OBEDIENCE TO OFFICERS

No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village of Solon Springs while such officer is doing any act in their official capacity and with lawful authority.

Adopted July 27, 2004.

3.08 IMPERSONATING POLICE OFFICERS

No person shall personate a police officer or peace officer within the Village of Solon Springs.

Adopted July 27, 2004.

3.09 INDECENT, CONDUCT AND LANGUAGE PROHIBITED

No person shall use any indecent, vile, profane or obscene language or conduct their selves in any indecent, lewd, lascivious or obscene manner within the Village of Solon Springs.

3.10 VAGRANCY AND LOITERING PROHIBITED

No person shall within the Village loiter or loaf about any public building, place or premises or wander about eh streets, alleys, parks or

other public places either by day or night, whose actions give rise to a suspicion of wrong doing and who is unable to give a satisfactory account of their self, or who, having the physical ability to work is without any visible means of support and does not seek employment or who derives part of their support from begging, prostitution, pandering, fortune telling or is a similar imposter.

3.11 DESTRUCTION OF PROPERTY PROHIBITED

No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nurture belonging to the Village of Solon Springs or its departments or to any private person without the consent of the owner or proper authority.

3.12 LITTER & DEBRIS ORDINANCE

It shall be unlawful for any person to place, throw, leave, or permit to remain, any litter or debris upon any street, gutter, sidewalk, alley, park or other public ground or along or around the shores of bodies of water and it shall be the duty of each and every owner or occupier of any real property to clear any such litter or debris from all adjacent streets, gutters, sidewalks, or alleys. Further, not person shall place litter or debris or

disposal anywhere except at the Solon Springs Recycling & Solid Waste Facility.

3.13 POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES

Section 1: No person twenty-one (21) years of age or over may knowingly permit or fail to take action to prevent the illegal consumption of fermented malt beverage and intoxicating liquor by anyone under twenty-one (21) year of age on the premises owned by the person or under the person's control.

Section 2: No person twenty-one (21) years of age or over may intentionally encourage or contribute to a violation of any state law or village ordinance related to the possession or consumption of fermented malt beverages of intoxicating liquor by anyone under the age of twenty-one (21) years of age.

Adopted July 27, 2004.

3.14 GAMBLING AND LOTTERIES

By a referendum election outcome of April 7, 1987, the Village Board of the Village of Solon Springs authorizes gambling, lotteries and raffles to take place in the Village with the stipulation that all such activities follow the guidelines set forth in Wisconsin Statutes.

Adopted July 27, 2004.

3.15 ADOPTION OF DOUGLAS COUNTY CURFEW ORDINANCE

By this ordinance, the Village Board hereby adopts the Curfew Ordinance of Douglas County as set forth below:

Section 1: It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play in upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:30 p.m. and 5:00 a.m. of the following day

Section 2: The provisions of this article shall not apply to a minor accompanied by his/her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor. The hours for minors under the age of sixteen (16) years shall be from 9:30 p.m. to 5:00

a.m. of the following day. During that time when daylight savings time is in effect, the evening hours provided in this section shall be extended one (1) hour.

Section 3: It shall be unlawful for the parent, guardian or other adult person having the care and custody of a child under the age of eighteen (18) years to knowingly permit the child to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:30 p.m. and 5:00 a.m. of the following day; or, if the child is under the age of sixteen (16) years, the hours shall be from 9:30 p.m. to 5:00 a.m. of the following day. During that time when daylight savings time is in effect, the evening hours provided in this section shall be extended one (1) hour.

Section 4: Violation of this ordinance shall be subject to a penalty as outlined in Chapter 10 of the Village of Solon Springs Code of Ordinances. Adopted July 27, 2004.

3.16 REGULATION OF DIRECT SALES AND DOOR-TO-DOOR ACTIVITIES IN THE VILLAGE OF SOLON SPRINGS

- a. Registration required

No person, firm, corporation or organization shall be allowed to solicit any dwelling within the village for the purpose of a present or future sale of any goods, services or commodities of any nature whatsoever, or for the purpose of soliciting a future invitation for such a sales solicitation without a prior invitation from an occupant of such dwelling, unless a permit for such activity has been secured first from the office of the Village Clerk.

b. Charitable and Religious Organizations

Charitable or religious organizations shall be allowed to engage in door-to-door activities without having secured a permit. However, they must still comply with any other applicable sections of this ordinance and must not engage in any prohibited practices as set forth in section six (6).

A “charitable or religious organization” shall be defined as one which qualifies for charitable deduction purposes pursuant to the provisions of the Internal Revenue Service and applicable Internal Revenue rulings and regulations.

c. Registration procedures

Application for a permit must be made at the office of the Village Clerk on forms provided in the clerk’s office, at least two (2) working days prior tot engaging in any direct sales or door to door activities. Application shall contain the following information for each individual engaged in such activity under this permit:

1. Full legal name, permanent address and telephone number

and temporary address, if any.

2. Date of birth, height, weight, color or hair and eyes.

3. Name, address and telephone number of the person, firm, association or corporation that the applicant represents or is employed by, or who merchandise is being sold.

4. Temporary address and telephone number from which business will be conducted, if any.

5. Nature of business to be conducted and a brief description of goods and services to be offered.

6. Proposed method of delivery of goods.

7. Make, model and license number of any vehicle to be used by applicant in the conduct of his or her business.

8. Names of last cities, villages or towns, not to exceed three, where applicant conducted similar business.

Applicant shall present to the clerk for examination:

1. A driver's license, or if unlicensed, some other proof of identity as may be reasonably required.

2. A state health officer's certificate when applicants business involves the handling of food or clothing and is required to be certified under state law.

3. A copy of any product brochure used.

d. Fees for Permits

A fee of \$5.00 shall be paid to the clerk to cover the cost of processing said registration, except that charitable and religious organizations shall be exempt from this fee.

e. Investigation

Upon receipt of each application, the clerk shall refer it immediately to the Village Board who will make an investigation for the statements made in such registration within two working days following filing of the application. The clerk shall not issue a permit to an applicant if it is determined by the police pursuant to above investigation, that:

1. The application contains any material omission or materially inaccurate statement.

2. Complaints of a material nature have been received by authorities in places where the applicant conducted similar business.

3. The applicant failed to comply with any applicable provision of registration procedures as per this ordinance.

4. A solicitation described in the application as solely for a religious or charitable cause, will actually be conducted primarily for private profit.

Any person denied a permit may appeal said denial to the Village Board.

f. Permit Issued

Unless an investigation is conducted within two (2) working days which discloses a reason for denial of a permit as per provisions set forth in e., the clerk shall issue a direct sales permit, good for one (1) year from date of issue, at the completion of the two (2) day waiting period.

g. Prohibited Practices

Any person, firm, corporation, organization, association, charitable or religious organization shall be subject to the following regulations:

- a. There shall be no solicitation or calling on any dwelling house or unit prior to 10:00 a.m. or after 8:00 p.m.
- b. Each person shall exhibit his permit, or copy thereof, upon demand of law enforcement or Village Board.
- c. Each person shall, at the time of initial contact, exhibit his permit or copy thereof, and/or verbally identify the name of the organization the represent to an occupant of a dwelling.
- d. Each person shall promptly leave the premises if requested to do so by an occupant.
- e. No solicitor shall, in making a solicitation, misrepresent or fail to disclose pertinent facts or make any misleading or deceptive representations of fact.
- f. Each applicant to whom a permit has been issued shall be responsible for compliance with all regulations or this section by those person working with or under him.

g. No person shall approach or come upon the premises of a dwelling house or unit which premises are plainly and visibly posted with a sign stating, in substance, that no solicitation or trespassing is permitted upon such premises. Soliciting contrary to such a posted sign shall constitute trespass.

h. No person shall impede the free use of sidewalks by pedestrians, streets by vehicles. All traffic and parking regulations shall be observed.

i. No person shall allow rubbish, litter, sales information or brochures to accumulate or be scattered around an area.

h. Revocation of Permit

Any permit issued shall be subject to revocation by order of the Village Board, after proper notice and hearing, for failure to comply with the regulations set forth in Section g or on the basis of specifications established within these ordinances.

To revoke a permit, the clerk shall serve notice of intent by mailing a letter to the permit holder at their last address as listed on application, stating time and place of hearing before the Board. Said notice shall state the reasons for such action as determined by the Board.

If following said hearing, the Village Board decides to revoke said permit, whether or not the permit holder appeared at said hearing, the clerk

shall issue a written order of revocation by mailing same to the last address as listed on the application.

Any person whose permit has been revoked shall not be allowed to make application for another permit for one (1) year following revocation.

i. Penalty

Any person found to be in violation of any provision of this ordinance, or filing, or causing to be filed, an application for a permit which contains false or fraudulent information, shall be subject to penalties as outlined in Chapter 10 of the Village of Solon Springs Code of Ordinances.

Adopted July 27, 2004.

**3.17 RELATING TO LOITERING AND UNAUTHORIZED PRESENCE
ON SCHOOL PROPERTY**

It shall be unlawful for any person, except as provided in subsection one (1) hereof, to be present or loiter in any public school building or on any public school ground without the permission of the school principle, custodian or other person in charge thereof.

a. This ordinance shall not apply to students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof, to leave the school building or school grounds, or shall it apply to parents or legal guardians of

a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.

1. As used in this ordinance, the term “loiter” means to stay aimlessly and idly in a public school building or on public school grounds; or to be in the public school building or public school grounds without proper permission; or to be present in the public school building or on public school grounds for some illegal purpose

2. Any person under the age of eighteen (18) years who violates the provisions of this ordinance may be referred to the proper juvenile authorities as outlined in Wisconsin Statutes and in the case of repeated violations by the same person, both the person and the parents or legal guardian of such person, shall be referred to the juvenile authorities. Any person of the age of eighteen (18) years of older found to be in violation of any provision of this ordinance shall be subject to penalties as outlined in Chapter 10 of the Village of Solon Springs Code of Ordinances.

Adopted July 27, 2004.

3.18 NUISANCES ON PRIVATE PROPERTY

The Village Board do ordain as follows:

PURPOSE:

This ordinance is adopted for the purpose of promoting and preserving health and sanitation in the Village of Solon Springs through the regulation and disposition of garbage, rubbish, waste, debris throughout the Village of Solon Springs.

SECTION 1: Definition of Nuisance.

For purposes of this ordinance, the term “nuisance” is defined to mean any condition or use of the premises or of building exteriors which is: detrimental to the property of others; which causes or trends to cause substantial diminution in the value of other property in the neighborhood in which said premises are located; or otherwise adversely impacts upon the safety, health, comfort, or repose of the public. This includes, but is not limited to, the keeping on, the depositing on, or the scattering over of the premises of any of the following:

- (a) Lumber, junk, trash, leaves, or debris; and
- (b) Abandoned, discarded or unused objects or equipment such as, but not necessarily limited to automobiles, furniture, stoves, refrigerators, freezers, cans, or containers not used for refuse receptacles.
- (c) The maintenance of any compost bin or other enclosure where leaves, grass, manure and vegetable refuse is decomposing for later use is specifically exempted from this Section unless and until such time whereby the decomposing refuse emits unpleasant odors or harmful gases,

or attracts rodents, vermin or other disease carrying pests, animals, flies, or insects.

SECTION 2: Duty of Maintenance of Private Property.

No person in charge of or in control of a premises, whether as owner, lessee, tenant, occupant, or otherwise in control of land or buildings thereon, shall maintain or keep any nuisance thereon.

All refuse shall be placed in receptacles created for that purpose and shall be appropriately sealed to prevent the admittance of any animal, fly, insect, or rodent.

SECTION 3: Exterior Storage of Non-operating Vehicles.

No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise in control of land or buildings thereon shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property longer than ten (10) days; and no person shall leave any such vehicle on any property within the Village for a longer time than ten (10) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operating in a lawful place, other than in a residential district, and operating in a lawful manner, when the keeping or maintenance of

such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village of any other public agency or entity.

SECTION 4: Duty to Keep Grounds and Premises Clean

It shall be unlawful for any person to place, throw, leave, or permit to remain any rubbish, paper, dirt, waste, debris, or garbage upon any street, gutter, sidewalk, alley, park, or other public ground and it shall be the duty of the person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise in control of land or buildings thereon, to clear any such rubbish, from all adjacent streets, gutters, sidewalks, or alleys.

SECTION 5: Removal of Snow and Ice

The person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise in control of land or buildings thereon, fronting upon or adjoining any street, and the owner or person in charge of any unoccupied building or lot fronting as aforesaid, shall clean the sidewalk in front of or adjoining such building or unoccupied lot or building, as the case may be, of snow or ice to the width of such sidewalk by 12:00 noon of each day and cause same to be kept clear of snow or ice.

No person shall clear or deposit an snow or ice from any land or building onto any sidewalk, street, or part of any alley. No owner,

occupant, or person in charge of any land or building shall permit any person to deposit or clean snow or ice from the land or building control any part of any street, sidewalk or alley.

Under this section it shall not be considered as prohibiting the removal of snow from any public sidewalk.

SECTION 6: Noxious Weeds

It is hereby declared that in addition to those weeds specifically mentioned in Wisconsin Statutes 66.0407(1), any weeds, grass, or plants which exceed twelve (12) inches in height are noxious weeds if they are located within fifty (50) feet from any residential or commercial building, or located in any area zoned for residential, business or commercial use; or are located on railroad right-of-ways in areas zoned for residential, business, commercial, or industrial. Trees, cultivated brush, cultivated flowers, cultivated fruits or vegetables or other cultivated ornamental plants shall not be considered noxious weeds for purpose of this section.

No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise in control of land or buildings thereon, shall permit any noxious weed to grow on such land.

SECTION 7: Obstruction of Trees, Hedges and Shrubs

It shall be the duty of any person in charge of or in control of a premises, whether as owner, lessee, tenant, occupant, or otherwise in

control of land or buildings thereon bordering on any street on which property there may be trees, shrubs, and hedges to prune such trees, shrubs, and hedges in such a manner that they will not obstruct or shaded the streetlight, obstruct the passage of pedestrians on sidewalks, obstruct the vision of traffic signs, clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks, and twelve (12) feet over streets except truck thorough fares, which shall have a clearance of sixteen (16) feet. Hedges and shrubs should be trimmed so as not to be a nuisance or dangerous to pedestrian traffic regarding sight of oncoming traffic.

SECTION 8: Enforcement of Ordinance

Enforcement of this ordinance may be accomplished by the Village Board in any manner authorized by law, and when the proper authority determines with reasonable certainty that a public nuisance exists upon be served personally or by registered mail upon any person, tenant, occupant or otherwise in control of land or buildings, thereon, written notice of the existence of such nuisance. Such notice shall describe the nuisance and procedures for its abatement and shall further stat e that unless the owner shall abate the nuisance in the manner and within the time specified in the notice, the Village Board may order a fine to be imposed in compliance with Wisconsin Statues 66.0113 and as specified in Village Ordinance Chapter 10 or the village Board may cause the abatement, at the expense of the person who was ordered to abate the nuisance, by removing the source of

the nuisance. If the owner of the property cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village of Solon Springs.

For noncompliance of the order issued for removal of the public nuisance as defined in this ordinance, the Village Board or designee may impose as an exercise of the police power under Wisconsin Statutes 66.0113 and Chapter 10 of the Village of Solon Springs Code of Ordinances a fine and/or special charge for expense the Village incurred for removal of public nuisance as defined in this ordinance as an exercise of Wisconsin Statutes 66.0701 and 66.0703. If such charges are not paid within thirty (30) days from the date on which such nuisance is removed, the special charge will be considered delinquent and shall become a lien against the property and shall automatically be extended upon the current or next tax roll as provided by Wisconsin Statutes 66.0627(4).

Any person(s) who by reason of another's violation of any provision of this ordinance, suffers special damage to himself/herself different from that suffered by others throughout the Village of Solon Springs generally, may bring an action to enjoin or otherwise abate an existing violation.

Adopted July 27, 2004.

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCES

CHAPTER 4

MOTOR VEHICLES

4.01 REGULATIONS FOR USE AND OPERATION OF CERTAIN MOTOR DRIVEN VEHICLES

It shall be unlawful to operate any type of motor driven vehicle or conveyance, including , but not necessarily limited to: Two wheeled motor vehicles known as mini bicycles, trail bicycles, motor scooters, snowmobiles and four or more wheeled vehicles known as ATV's, Go Carts, etc. under the following circumstances:

- a. On private property of another without the express permission to do so by the owner or occupant of said property.
- b. On any public streets located in the Village of Solon Springs that are not signed for such vehicles.
- c. On public grounds without express provisions or permission to do so the proper authority
- d. In a manner so as to not create loud, unnecessary, or unusual noise so as to disturb or interfere with the peace and quiet of other persons, including, but not limited to unnecessary or deliberate or intentional spinning of wheels, squealing of tires, revving of the engine; blowing the horns; causing the engine to backfire; or causing the vehicle, while commencing to move or in motion, to raise one or more of its wheels off the ground.

Such conduct is declared to be both unlawful and a nuisance, and whosoever is found to be guilty of such an act may be penalized in accordance to what is outlined in Chapter 10 of the Village of Solon Springs Code of Ordinances.

e. In a careless, reckless or negligent manner so as to endanger, or be likely to endanger, the safety of any person or the property of any other person.

LAW ENFORCEMENT AND EMERGENCY VEHICLES ARE EXEMPT FROM ANYTHING STATED IN THIS CHAPTER OF THE VILLAGE OF SOLON SPRINGS CODE OF ORDINANCES.

Adopted July 27, 2004.

4.02 ORGANIZED OR SUPERVISED ACTIVITIES

This ordinance shall not be applied to any recognized organization, which has applied to the Village Board of the Village of Solon Springs for specific use privileges to specified Village owned lands and premises for the purpose of having organized and supervised activities conducted thereon, so long as an Insurance Policy is filed with the Village Clerk for which the Village Board has given its specific approval and for which the Village of Solon Springs shall be held harmless for any such use of its lands and premises.

4.03 RIGHT TO CONFISCATE

Law enforcement shall immediately confiscate the unlicensed motor driven vehicle operated in the prohibited areas or in the prohibited manner described in this ordinance. The unlicensed motor driven vehicle shall be returned upon payment of the fine or upon direction of the Court.

Adopted July 27, 2004.

4.04 JUNKED AND ABANDONED MOTOR VEHICLES

a. Definitions

b. JUNKED MOTOR VEHICLE means any wrecked, disassembled, partially dismantled, inoperable, unused, unregistered and/or unlicensed motor vehicle.

c. ABANDONED MOTOR VEHICLE means any motor vehicle which has been left unattended without the permission of the property owner on whose property such vehicle is located for more than forty eight (48) hours unless such vehicle is designated as not abandoned by the law enforcement or the Village President.

b. Conduct Prohibited

No person shall place or leave any junked motor vehicle or

parts thereof, on any street, highway or other public property within the Village. No person in charge or control of any private property within the village, whether as owner, tenant, occupant or other wise, shall place or

allow to remain, any junked vehicle on such property for more than three (3) days if it is outside of any building and within the ordinary public view.

No person shall leave unattended any motor vehicle on any public or private property in the Village for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned.

j. Notice

Whenever law enforcement, the Village President or Building Inspector shall find any junked

vehicle placed or stored in violation of this section on private property within the Village, they shall notify the owner, tenant or occupant of the property upon which such vehicle is located, on the intention of the Village to impound and impose of such vehicle as provided in this section. If such vehicle is not removed within forty eight (48) hours, they shall cause the vehicle to be impounded and disposed of as provided in this ordinance. Notice is not required for the removal and impoundment of abandoned or junked vehicles located on public property.

k. Impoundment

After any notice as required above has been given, a vehicle in

violation of this ordinance shall be impounded until lawfully claimed or disposed of under this section, except that if it is deemed by the Village Board that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle, may be junked or sold by the Village prior to expiration of the impoundment period upon determination by the Village Board that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) years of age shall be disposed of in accordance with section e., Disposal.

I. Disposal

Any vehicle which is deemed junked or abandoned by law enforcement, the Village President, or Building Inspector and not disposed of under section d. Impoundment, shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner and lien holders of record to permit reclamation for the vehicle after payment of accrued charges. Any vehicle not reclaimed within the allotted time may be sold at public auction after public notice of the sale has been given. At such sale, the highest bid shall be accepted unless the same is deemed in-adequate by the police, in which event all bids may be rejected. If all bids are rejected or no bid

is received, the Village may either, re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle.

m. Exceptions

The provisions of this section do not apply to automotive sales or repair businesses, or to junk yards or auto salvage yards that are licensed under this code.

Adopted July 27, 2004.

4.05 SNOWMOBILE ACCESS ORDINANCE

An ordinance to allow snowmobile access from a residence or residence or lodging establishment to a snowmobile route or trail in the Village of Solon Springs or adjoining community in Douglas County, Wisconsin and prescribing penalties for violation thereof.

The Village Board of the Village of Solon Springs do ordain as follows:

SECTION 1: INTENT

1a. The intent of this ordinance is to provide a means for a person to travel from a residence within the limits of the Village of Solon Springs, Douglas County, Wisconsin for the shortest distance that is necessary for a

person to operate a snowmobile to the snowmobile route or trail that is closest to the residence.

1b. The intent of this ordinance is to provide a means for persons to travel from a residence and/or lodging establishment within the limits of the Village of Solon Springs, Douglas County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to a snowmobile route or trail that is closest to that residence.

SECTION 2: STATUTORY AUTHORITY

This ordinance is adopted as authorized under Wisconsin Statutes 350.18(3)(a).

SECTION 3: DESIGNATED ROADWAYS AND/OR STREETS

No person shall operate a snowmobile on a road, street and/or shoulder of a road or street not designated as a snowmobile route other than the following:

a. All roads, streets, or shoulders of roads and/or streets.

OR

b. The Following listed roads, streets, or shoulders of roads and streets.

SECTION 4: CONDITIONS

This ordinance designates the roads, streets and/or shoulders of specified roads and/or streets for snowmobile travel by persons residing in

staying at a lodging establishment within the limits of the Village of Solon Springs, Douglas County, Wisconsin to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment subject to the following conditions:

1. Snowmobiles shall be operated when possible or when otherwise designated on the extreme right side of the road and travel with the flow of traffic.

2. Snowmobiles are to be operated in single file.

3. Headlights should be on at all times.

4. Snowmobile operator's shall yield the right-of-way to other vehicular traffic and pedestrians.

SECTION 5: SPEED

A snowmobile operated on any portion of the road, street or shoulder of a road or street pursuant to this ordinance shall observe all road way and street speed limits.

SECTION 6: ENFORCEMENT

This ordinance shall be enforced by any law enforcement or the Douglas County Sheriff's Department.

SECTION 7: PENALTIES

Wisconsin state snowmobile penalties as found in Wisconsin Statutes 350.11(1)(a), are adopted by reference.

SECTION 8: SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village board would have passed the other provision of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

SECTION 9: EFFECTIVE DATE

This ordinance will become effective upon passage and publication.
Adopted March 24, 2008.

4.06 REGULATIONS AND ROUTES FOR THE USE OF ALL-TERRAIN VEHICLES (ATV) WITHIN THE VILLAGE OF SOLON SPRINGS

SECTION 1: The purpose of this ordinance is to give ATV operators a legal means for travel in the Village of Solon Springs and connection to outside ATV Trails

SECTION 2: By authority imposed by Wisconsin Statutes 23.33, the Village Board hereby opens all streets in the Village of Solon Springs ATV travel, which include:

Arbutus Avenue, Ash Avenue, Baldwin Avenue, Balsam Avenue, Beach Avenue, Beaupre Drive, Cedar Avenue, Cemetery Road, Dahlberg Parkway, E. 1st Street, E. 2nd Street, E. 3rd Street, E. 4th Street, E. 5th Street, East Boundary Road, Ellen Smith Road, Elm Street, Evergreen Avenue, Favell Street, Giesen Drive, Gouge Drive, Hillside Street, Holly Lucius Road, Hughes Avenue, Jackpine Avenue, Lake Avenue, Lakeside Street, Lenroot Avenue, Limpach Drive, Lucas Avenue, Main Street, Maple Avenue, Marion Avenue, Mertzig Parkway, Nelson Avenue, Nielson Avenue, Palmetto Avenue, Park Avenue, Pine Avenue, Pluntz Drive, Prevost Drive, Railroad Street, Ryden Drive, St. Croix Street, Smith Street, Superior Street, Valley Park Avenue, W. 1st Street, W. 2nd Street, W. 3rd Street, W. 4th Street, W. 5th Street, W. 7th Street, W. Evergreen Avenue, Walnut Avenue, White Birch Avenue, and Wright Boulevard.

SECTION 3: ATV travel is allowed and limited for travel only on ATV signed road in the Village of Solon Springs.

SECTION 4: No person shall operate an ATV in the following manner:

1. At a rate of speed that is unreasonable or improper under the circumstances.
2. In any careless way so as to endanger the person or property of others.
3. While under the influence of intoxicating liquor, fermented malt

beverages, narcotics or other drugs.

4. In such a way that the exhaust of the motor makes an excessive or unusual noise.

5. Without a functioning muffler.

6. Upon the private property of another, without express permission of the owner of said property.

7. No person shall drive or pursue any deer, bear or other game with an ATV.

8. No ATV shall do racing of any kind on any designated road.

9. All persons operating ATV's are required to meet and obey Wisconsin Statutes 23.33, regulating the operation of all terrain vehicles.

SECTION 5: All ATV's shall operate in single file on any signed designated street and shall yield to the extreme right side of any road and to the right-of-way of automobiles legally traveling on said street.

SECTION 6: All ATV's must come to a complete stop when entering only any ATV signed street, and must yield the right-of-way at said places to automobiles on said street.

SECTION 7: Any person who violates any provision of this ordinance may receive a fine in compliance with Chapter 10 of the Village of Solon Springs' Code of Ordinances.

SECTION 8: Should any section, clause or provision of this ordinance become invalid or illegal, the same shall into affect the validity of the remaining portion of the Ordinance.

Adopted July 27, 2004.

4.07 SNOW EMERGENCY

In the event of major snow storm, the parking of motor vehicles on all village streets is prohibited during any snow emergency in order to prevent safety hazards and obstacles that would prevent proper snow removal.

In the event of a major snow storm and a motor vehicle is found to be parked on any village street, the motor vehicle will be towed at the owner's expense.

Adopted July 27, 2004.

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCES

CHAPTER 5

MOBILE HOMES

&

TRAVEL TRAILERS

5.06 MOBILE HOMES IN THE VILLAGE OF SOLON SPRINGS

No mobile homes will be allowed within the Village of Solon Springs, except within a licensed mobile home park.

Any mobile home located on property within the Village of Solon Springs prior to June 30, 1972 will be allowed to remain on the property. Once the mobile is removed, it cannot be replaced with another mobile home.

Adopted July 27, 2004.

5.07 MOBILE HOME PARK

a. Definitions

1. **Mobile Home Park** means any plot or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

2. **Mobile Home** means that which is, or was as originally constructed, designed to be transported and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances except that a house trailer is not deemed a mobile home if the assessable value of

such above mentioned additions equals or exceed fifty (50) percent of the assessable value of the mobile home.

3. **Mobile Home Park Management** means the person legally responsible for the operation of the park.

4. **Site** means a plot of ground within a mobile home park designed for placement of one (1) mobile home.

5. **Approved** means acceptable to the Village Board based on its determination as to conformance with appropriate standards and good public health practices.

6. **Complete Bathroom Facilities** means a flush toilet, lavatory, bath and kitchen sink.

7. **Dependent Mobile Home** means a mobile home which does not have complete bathroom facilities, as defined above.

b. Scope of Regulations

1. Applicability – The provisions of these regulations shall apply to the owner and to the operator, if other than the owner, of any mobile home park in the Village of Solon Springs.

2. Approved comparable construction or plans – When strict adherence with these regulations appears to be impractical and satisfactory proof is provided to the Board, it may approve modification as needed to safeguard public health, safety and welfare.

c. Plans, Specifications and Approval of Mobile Home Park

Every person who plans to construct or establish a mobile home park or expand an existing mobile home park, before beginning construction, shall present to the Village Board plans and specifications drawn to scale or not less than one-eighth (1/8) inch per foot, which shall show in detail:

1. Plot Plan – A scaled plot plan of the mobile home park, indicating the mobile home spaces, electrical services, roads, yard areas, garbage can areas, any buildings and other essential requirement of this ordinance.

2. Sewerage System – Size, location and specifications of the sewerage systems as required by the Village of Solon Springs.

3. Water Supply – Size, location and specifications of the water supply, including water distribution lines.

The completed mobile home park must comply with this ordinance and must be approved by the Village board and the Building Inspector. The applicant for a license and building permit to construct or establish a mobile home park shall file an application therefore with the Village Clerk, to be turned over to the Village Board for study and approval.

No mobile homes shall be moved onto any space until all work including landscaping and roadway surfacing is completed and the entire plan phase in accordance with this section and approved by the Building Inspector.

License and building permits issued under the terms of this ordinance convey no right to erect any buildings other than those designated on the plot plan. Regular building permits, as required by the Village of Solon Springs, shall be secured for all work.

d. Mobile Home Park Regulations

1. The park shall be designed to blend with and enhance the beauty and economic value of the surrounding properties to produce an attractive environment of sustained aesthetic and ecological desirability.

2. A permanent evergreen planting shall be grown around the perimeter, individual trees to be of such a number and so arranged that within ten (10) years they will have formed a screen. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet, or an approved fencing, such fence to be approved by the Village Board, may be used in lieu of above evergreen planting.

3. Every mobile home and mobile home park shall be located on well-drained area, and the premises shall be properly graded so as

to prevent accumulation of storm or other waters. No mobile home or park shall be located in any area that is situated so that drainage of contaminated liquids or solids can be deposited on its location.

4. Commercial facilities and structures, such as restaurants, swimming pools, golf courses, Laundromats, etc., may be located in a mobile home park upon approval of the Village Board.

5. All construction within a mobile home park shall comply with the building, electrical, heating and plumbing codes of the State Wisconsin and The Village of Solon Springs.

6. Each site shall be clearly defined or delineated. The complete unit including all accessory structures shall not occupy more than one-half (1/2) of the area of the site.

7. Minimum required lot size for each unit shall be fifty (50) feet by one-hundred (100) feet.

8. Required setbacks shall be as follows:

- a. Ten (10) foot side yard setback from mobile home
- b. Forty (40) foot rear yard setback from mobile home to property line
- c. Twenty-five (25) foot front yard setback
- d. No unit shall be located closer than ten (10) feet to any building within the park

9. All sites shall abut upon a street. A one-way street must be at

least fourteen (14) feet in width, and no longer than five-hundred (500) feet. Parking is prohibited unless the width is appropriately increased. For a two-way street, width must be at least thirty-two (32) feet if parking is permitted; twenty-five (25) feet in width if parking is permitted on only one side.

10. Parking spaces must be provided for each home site, proposed parking plans to be submitted to and approved by the Village Board in advance.

11. A recreation area may be required by the Board for any mobile home park, exact specifications of such area to be determined by the Board.

12. Public Utilities-When acceptable public sewage facilities and/or public water supply facilities are available, connection and use is required.

13. Private wells-are permitted as a source of water when public water facility is not available to premises. The well should be located on the mobile home park property and be constructed with pump installed in accordance with the regulation of the Board of Natural Resources governing well drilling and pump installation. A separate valve water service shall extend to each site.

14. Electric service-Every mobile home space shall be furnished with an electrical service outlet, such outlet to be equipped with

an externally operated switch or fuse of not less than sixty (60) amp capacity, three (3) wire, and a water-proof heavy duty outlet receptacle. No power lines are to be less than fifteen (15) feet above ground, except that power lines, gas lines and telephone cables may be buried underground.

15. All units within the mobile home park must have complete bathroom facilities. Dependent mobile homes are not allowed in the mobile home park.

16. Fire Protection

a. Every mobile home court shall be provided with suitable fire extinguishers, approved by the Fire Commission as to location, type and number.

b. All outside fuel tanks must be set on a firm foundation and anchored so as to prevent tipping.

c. Bottled gas for cooking purposes shall have containers connected by copper or other suitable tubing. Bottled gas containers shall be securely fastened in place and protected from weather. No fuel container shall be located in a mobile home or within five (5) feet of a door thereof.

17. Every mobile home space shall contain a concrete, asphalt or gravel or equivalent base of sufficient width and length to accommodate a mobile home which may be placed thereon. No mobile home shall be parked on any spaces except on a base as defined herein. All such bases

shall be attached by hard surface (gravel, concrete, asphalt or patio block) walkways to the roadway or parking area serving such base.

18. Mobile home park owner or operator shall provide for the sanitary and safe removal and disposal of all refuse and garbage from the park in accordance with the laws of the state and ordinances of the municipality, and shall comply with any orders or regulations of the Village Board, Solon Springs Recycling & Solid Waste Facility Commission or Fire Commission.

e. Duties of Park Management

1. The owner or operator any mobile home park in the Village of Solon Springs must secure an annual license for said park from the Village Clerk. License fee shall be twenty-five dollars (\$25.00) per year, to be renewed annually by December 31 of each year.

2. The person to whom a mobile home park license is issued shall provide adequate supervision to maintain the park in compliance with this ordinance and keep facilities and equipment therein in good repair and in a clean and sanitary condition.

3. There shall be located in every park an office wherein the licensee or their agent shall maintain a register of all park occupants which shall be open at all reasonable times, upon request, for inspection by state, federal and municipal officers, showing:

- a. Names of all owners and occupants of each unit.
- b. Dates of entrance to park
- c. Make, model, year and serial number of each unit, as well a license numbers of each owned motor vehicle.

4. All mobile home park owners shall assume responsibility for trail tax to be paid to the Village of Solon Spring as assessed by the municipality. Said tax is payable in monthly installments or annually, at option of each individual mobile home owner. Mobile home park owners shall also be responsible for a per unit monthly sewer fee charge as set by Sanitary Sewer Ordinance standard residential rates.

5. The owner or operator shall inform al occupants of the provision of this ordinance and their duties and responsibility there under.

6. The owner or operator shall notify the Village Clerk of any suspected communicable disease, or other problems with in the park.

f. Duties & Responsibilities of Mobile Home Owners and Occupants

1. Every mobile home owner or occupants shall comply with all applicable requirements of this ordinance and other ordinances or regulations of municipality and state.

2. Pets, if permitted by park management, shall not permitted by the owners to run at large or commit any nuisance within the park.

3. All occupants of mobile homes shall maintain their site

in a clean, orderly and sanitary condition at all times.

Adopted July 27, 2004.

5.08 TRAVEL TRAILER PARK

a. Definitions

1. Travel Trailer means all vehicles and portable structures building on a chassis whether designed to be towed upon the highway or self-propelled, designed as a temporary or permanent dwelling for travel, recreational or vacation use and not included in the definition of non-dependent mobile home in 66.0435 1.g. of the Wisconsin Statutes. For purposes of this ordinance, a dependent mobile home, as defined in 66.0435 1.f. of the Wisconsin Statutes, recreations vehicles (RV), camping trailers, pickup coaches, motor homes and any other similar type are considered to be travel trailers unless otherwise indicated.

2. Travel Trailer Park means a plot of ground upon which two (2) or more travel trailers are occupied for dwelling, regardless of whether or not a charge is made for such accommodations.

3. Travel Trailer Space means a plot of ground within a travel trailer park designed for accommodation of one (1) travel trailer.

4. Service Building means a building housing toilet and bathing facilities, and may also include buildings containing laundry facilities and other facilities as permitted by this ordinance and/or approved by the Village Board.

5. Pickup-Coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation use.

6. Motor Home means a portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

7. Camping Trailer means a canvas or folding structure mounted on wheels for travel, recreation and vacation.

b. Location of Travel Trailers outside Parks

1. No person shall occupy or park for purposes of occupancy any travel trailer or dependent mobile home on any public or private street or land within the Village of Solon Springs outside of a licenses travel trailer park.

2. Parking of unoccupied travel trailers and dependent mobile homes outside an approved travel trailer park is lawful in the following instances.

a. On the premises of an authorized

travel trailer dealer provided no business is practices therein.

a. One travel trailer unit may be parked in an accessory private garage or building or a rear yard of the owner provide no business is practices therein.

b. On the premises of any vehicle service business for the purpose of servicing or making repairs thereto.

c. Permanent Occupancy Prohibited

1. No travel trailer shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond two (2) months in any twelve (12) month period shall be presumed to be permanent occupancy.

2. Any action toward removal of the wheels of a travel trailer, except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes is hereby prohibited.

3. No travel trailer shall be hooked up or attached to any external sewer system except in a licenses trailer park.

d. License for Travel Trailer Park

1. No person shall establish, operate or maintain a travel trailer park or permit the same on premises owned, leased or controlled by them within the Village of Solon Springs without having first obtained a valid unexpired license therefore issued by the Village Clerk and approved by the Village Board.

2. Travel Trailer Park licenses shall expire on year from the date of issuance and may be renewed for additional one (1) year periods under this ordinance, with approval of the Board.

3. Licenses shall be subject to revocation or suspension by the governing body for violation of any of the provisions of this ordinance or terms or conditions imposed by the Village Board and endorsed upon the license, or any of the ordinances of the Village regulating health, morals, safety or welfare.

4. Any person whose license has been suspended or revoked under this ordinance shall not be eligible for a license or renewal hereunder for a period of twelve (12) months thereafter.

5. The application for such license, original or renewal, shall be filed with the Village Clerk and shall be accompanied by a fee of five dollars (\$5.00) for each space in the park.

6. Unexpired travel trailer park licenses may be transferred from one owner or operator to another upon payment of a transfer fee of ten dollars (\$10.00) to Village Clerk, with approval of the Board.

e. Location and design of Travel Trailer Parks

1. No travel trailer park shall be located in any fire district.

Travel trailer parks shall comply with all requirements of the Wisconsin Administration Code and if such park admits or proposes to accommodate dependent mobile homes. Such codes and any subsequent revisions or additions to such codes are hereby adopted by reference and made a part of this ordinance as if fully set forth herein. Before any park license shall be issued, the applicant shall present to the Village Board proof of such compliance.

2. The minimum tract size of a travel trailer park shall be fifteen (15) acres.

3. Travel trailer spaces within each park shall have a minimum of twenty-five (25) feet and minimum depth of fifty (50) feet.

4. A minimum of one and one-half (1½) off street automobile parking spaces shall be provided for each travel trailer space within the park.

5. Travel trailer parks shall be designed to blend with and enhance the beauty and economic value of surrounding properties and to produce an attractive environment of sustained aesthetic and ecological desirability. For this purpose, the Village Board may require the developer to provide a vegetative screen planting which will reach a height of fifteen (15) feet and form a screen equivalent in capacity to a solid fence or wall in five (5) years, or to provide other appropriate screening of the premises.

6. Access to and from travel trailer parks shall be to non-residential streets, highways or service roads.

7. Commercial facilities and structures, such as restaurants and Laundromats, swimming pools and golf courses, may be located in a travel trailer park upon approval of the Village Board if they do not occupy a total of more than twenty (20) percent of the park area and are located, designed and intended for serving park occupants.

8. All construction within a travel trailer park shall comply with the state of Wisconsin Uniform Dwelling Codes and codes set forth by the Village of Solon Springs for building, electrical, heating and plumbing.

9. Travel trailer parks shall have at least twenty-five (25) linear feet of outdoor clothes drying line for each space.

10. All plumbing and sanitary facilities and services within the park, except those located within individual travel trailers, shall be connected to any municipal public water and sewerage systems, if available. An adequate supply of pure water shall be located not more than three hundred (300) feet from each travel trailer for drinking and domestic purposes. The park shall be so laid out that no travel trailer shall be located farther than two-hundred (200) feet from the toilets and service buildings provided, and walkways to such buildings shall be graveled or paved and well lighted.

11. Every travel trailer space shall be furnished with an electrical service outlet equipped with an externally operated switch or fuse that is suitable for a heavy duty outdoor outlet receptacle. Electrical outlets shall be weather proof.

12. In new travel trailer parks or extensions of existing travel trailer parks, all distribution lines, including without limitation to electrical, water, sewage, gas, cable and telephone lines shall be located underground.

f. Location of Travel Trailer within Parks

1. No travel trailer within a park shall be used as a permanent place of abode, dwelling or business in violation of this ordinance.

2. No unit shall be parked in the travel trailer park outside a designated space.

3. No vehicle, travel trailer or other obstruction shall be placed on any space or other area designated as a fire lane by the Fire Chief or their deputy.

g. Responsibilities and Duties of Travel Trailer Park Management

1. The person to whom a travel trailer park license is issued shall provide adequate supervision to maintain the park in compliance with this ordinance, and keep facilities and equipment therein in good repair and in a clean and sanitary condition.

2. There shall be located in every travel trailer park, a park office wherein the licensee or their agent shall maintain a register of all park occupants to be open at all reasonable times to inspection by state, federal and municipal officers, showing:

a. Names and addresses of all owners and occupants of each travel trailer.

b. Dates of entrance and departure of each travel trailer.

c. Make, model, year and serial number or license number of each travel trailer and each towing or other motor vehicle.

3. The licensee or their agent shall inform all travel trailer residents of the provisions of this ordinance and their duties and responsibilities.

4. The licensee or their agent shall notify the Village of Solon Springs and Douglas County Health Department immediately of any suspected communicable or contagious disease with the park.

5. The licensee or their agent shall provide for the sanitary and safe removal and disposal of all refuse and garbage at least daily from the park in accordance with the laws of the state, Village of Solon Springs and Solon Springs Recycling & Solid Waste Facility Commission or orders issued by the Village Board or the Fire Chief.

6. The licensee shall provide portable fire extinguishers of a type, number and placement approved by the Fire Chief, and maintain same in good operating condition.

h. Duties and Responsibilities of Travel Trailer Owners and Occupants

1. Every travel trailer owners or occupant shall comply with all applicable requirements of this ordinance or other ordinances or regulations of the municipality.

2. The travel trailer owner or occupant shall be responsible for property placement of their units on the space. Travel trailers shall not be located less than fifteen (15) feet from any other trailer or building within the park, or less than forty (40) feet from any park boundary or public highway or street, or less than twenty-five (25) feet from any park drive or walkway.

3. Pets, if permitted by park management, shall not be permitted by the owners to run at large or commit any nuisance within the park.

4. No person within a travel trailer park shall store or dispose of rubbish or garbage in an unclean, unsanitary or unsafe manner. Garbage and refuse shall be placed in a rodent proof, insect proof, watertight container provided by the park licensee.

i. Inspection and Enforcement

The licensee of every travel trailer park and their agents and employees shall grant access to the enforcement officers of the Village of Solon Springs or their authorized agent's at all reasonable times for the purpose of inspecting the premises for compliance with this or any other ordinance of the Village. The Fire Chief, Building Inspector and any other Village officer may cause to be inspected all travel trailer parks within the Village at least once in every three (3) month period.

Adopted July 27, 2004.

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCES

CHAPTER 6

ANIMAL CONTROL

6.01 DEFINITIONS OF TERMS

a. Owner shall be intended to mean any person or persons, firms or association or corporation owning, keeping or harboring an animal or animals on the premises to which the animal returns or is kept for ten (1) consecutive days or more.

b. At Large shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of their immediate family, either by leash, chain or otherwise.

c. Kennel shall be intended to mean any person, partnership or corporation engaged in the business of breeding, buying or selling or keeping animals for profit.

d. Animal shall mean any dog, cat, fish, fowl, reptile, mammal or any other fauna of whatever variety domesticated or wild.

Adopted July 27, 2004.

6.02 DOG LICENSES AND REGISTRATION REQUIRED

All dogs shall be licensed. Licenses shall be issued by the Village of Solon Springs for the fee as established by Douglas County. The dog owner shall provide the name, breed, color, sex and the date, manufacturer

and serial number of the dog's last rabies vaccination of each dog owned or kept by the individual, company or corporation.

The revisions of this section shall not be intended to apply to dogs whose owner are non-residents temporarily within the Village of Solon Springs, or to dogs brought into the Village for the purpose of participating in any show, or to "seeing eye" dogs, etc.

Adopted July 27, 2004.

6.03 KENNEL LICENSE

Anyone maintaining a kennel shall have a kennel license. The fee for a kennel license shall be thirty-five dollars (\$35.00) per year, with the license to be renewed by the 31st of December of each year.

Adopted July 27, 2004.

6.04 CARE OF ANIMALS

Every animal owner shall treat their animals in a humane manner and give the animal or animals adequate food, water and reasonable care.

Adopted July 27, 2004.

6.05 TAG AND COLLAR REQUIRED FOR DOGS

Upon payment of the license fee, the Village of Solon Springs shall issue to the owner an annual license certificate and a metallic tag for each dog so licensed, stamped with the year for which it was issued with the number on the certificate.

Each owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In a case where a dog tag is lost or destroyed, a duplicate will be issued by the Village of Solon Springs, without a charge. Dog tags shall not be transferred from one dog to another, and no refunds shall be made on any dog license fee.

Adopted July 27, 2004.

6.06 TAG AND COLLAR REQUIRED FOR CATS

To resolve the stray cat problems in the Village of Solon Springs, the Village Board requires that all owners of cats in the Village of Solon Springs must attach an identification tag to a collar or ribbon, etc. that is located around the cat's neck.

If a cat is found in the Village by a Village Official that does not have an identification tag attached to a collar or ribbon, etc. around their neck the cat shall be picked up.

Adopted July 27, 2004.

6.07 RUNNING AT LARGE REGULATED

No owner shall fail to exercise proper care and control of their animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, running, unleashed or unrestrained off the owner's property, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or upon private property shall be deemed a nuisance. Such an animal may be declared a public nuisance as per Chapter 4, section 19 of the Village of Solon Springs Code of Ordinances, with its owner subject to penalty provisions as set for in Chapter 10 of the Village of Solon Springs Code of Ordinances.

Adopted July 27, 2004.

6.08 AIDING AND ABETTING ANIMALS RUNNING AT LARGE PROHIBITED

No person within the Village of Solon Springs shall aid or abet an animal running at large by feeding, watering, or otherwise provided care to such an animal running at large. Any offence under this section shall be subject to penalties as set for in Chapter 10 of the Village of Solon Springs Code of Ordinances.

Adopted July 27, 2004.

6.09 IMPOUNDING

Unrestrained animals may be taken by any Law Enforcement Officer, any Village of Solon Springs Official or Employee, any official of the Douglas County Humane Society or any other person as designated by one of the previous mentioned officials, and impounded and confined in a humane manner. If an animal may be identified by a tag or otherwise, the official holding the dog shall immediately notify the owner of the impoundment of the animal. Animals not claimed by their owners within seven (7) days shall be humanely disposed of by the official or an agency to exercise that authority.

If an animal is impounded, that animal may not be released to the owner or the owner's representative until a license is obtained for the animal, proof of rabies vaccination is provided and an impoundment fee of twenty-five dollars (\$25.00) is paid.

The Official upon picking up any animal shall make a complete report, entering the type of animal and circumstances of the pickup.

Adopted July 27, 2004.

6.10 NOTICE TO OWNER AND REDEMPTION

Immediately upon the impounding of any animal, the owner shall be notified, or if the owner of the animal is unknown, written notice shall be

posted for five (5) days at the three locations where the Village of Solon Springs is known to post notices. Such notice will describe the animal and the time and place of taking. The owner of any animal so impounded may reclaim such animal upon payment of the license fee if unpaid, and all costs and charges incurred by the Village of Solon Springs for impounding and maintenance of said animal. Charges shall be twenty-five (\$25.00) for impoundment and five dollars (\$5.00) per day for impoundment, plus any additional cost incurred.

If at the expiration of seven (7) days from the date of notice to owner or posting of the notice, such animal shall not have been reclaimed, it may be destroyed. Any unlicensed animal required by law to be licensed, or any animal which is suffering from rabies, hydrophobia, mange, or other infectious or dangerous disease shall not be released, but may forthwith be destroyed.

Adopted July 27, 2004.

6.11 CONFINEMENT OF CERTAIN ANIMALS

No animal of fierce, dangerous or vicious propensities and no female animal in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any such animal is found running at large, it shall be picked up and impounded, and shall not be

released except upon payment of fees as provided above. However, if a dangerous, fierce or vicious animal so found at large cannot be safely taken up and impounded, such animal may be slain by any law enforcement officer or Village official or designee.

Adopted July 27, 2004.

6.12 MUZZLING

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Village Board, if they deem it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on their premises unless such dog shall have a muzzle of sufficient strength to prevent it from biting any person. Any un-muzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies and displaying vicious propensities shall be killed by a Law Enforcement Office, Village Official or its designee.

Adopted July 27, 2004.

6.13 RABIES – NOTICE

If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, or has bitten or attacked any person,

such animal shall be confined as soon as possible thereafter to be released to the Humane Society and placed under the observation of a veterinarian at the expense of the owner for a period of ten (10) days.

It is hereby made the duty of the owner of every animal known to have been exposed to rabies or who has bitten any person to immediately notify a Village Official or Law Enforcement Officer of such fact and to release said animal to the Village Official or Law Enforcement Officer upon demand.

Adopted July 27, 2004.

6.14 LIVESTOCK PROHIBITED

(1) All livestock, horses, cows, hogs, chickens, sheep, etc. are prohibited on any Village street, any public highway or public and private property within the corporate limits of the Village of Solon Springs.

(2) The Village Board may authorize livestock on public streets for special events such as parades for the duration of the event only.

Any property owner failing to comply shall be subject to penalties as outlined in Chapter 9 of the Village of Solon Springs Code of Ordinances.

Adopted July 27, 2004.

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCES

CHAPTER 7

SEWER UTILITY

7.01 ORGANIZATION

a. The management, operation, and control of the sewer system for the Village of Solon Springs is vested in the Village Board of Solon Springs; all records, minutes and all written proceedings thereof shall be kept by the clerk of the Village Board. The clerk and treasurer of the Village Board shall keep all financial records.

b. The sewer utility of the Village shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village. ; and generally; do all such work as may be found necessary or convenient in the management of the sewer system. The Village Board shall have power by themselves, their officers, agents, and servants to enter upon any land for the purpose of making examination or supervise in the performance of their utilities under this ordinance, without liability therefore; and the Village board shall have power to purchase and acquire for the Village real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

c. Condemnation of Real Estate. Whenever any real estate or any easement herein, or use thereof, shall in the judgment of the Village Board be necessary to the sewer system; and whenever for a any cause, an agreement for the purpose thereof cannot be made with the owner thereof,

the Village Board shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with Wisconsin Statutes.

d. Title to Real Estate and Personal Property. All property, real and personal and mixed, acquired for the construction of the sewer system, and all plans specifications, diagrams, papers, books and records connected therewith said sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of said Village.

Adopted July 27, 2004.

7.02 SEWER ORDINANCE

An Ordinance establishing sewer use rules and conditions in the Village of Solon Springs, Douglas County, State of Wisconsin (hereafter “the Village”), to provide procedures, safeguards and funds to operate and maintain the Village’s wastewater transport and treatment facilities; and

Whereas, the Village owns and operates the sanitary sewer system and wastewater treatment facility; and

Whereas, the Village must pay all the debt service and operation, maintenance and replacement expenses associated with said sewer system and wastewater treatment facility; and

Whereas, the Village by accepting wastewater reserves the right to immediately discontinue acceptances of wastewater for operational reasons; and

Now, therefore, be it ordained by the Village Board of Village of Solon Springs, that the following Sewer Use Ordinance be established.

ARTICLE 1

INTRODUCTION AND GENERAL PROVISIONS

This Ordinance regulates the use of public and private sewers and drains, discharge of sewer into the public sewerage system within the Village. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. The intent is to derive the maximum public by regulating the characteristics of wastewater discharged into the Village sewerage system.

This Ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derives from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems

and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinance, Rules or Regulations; and shall replace all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

ARTICLE II

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

ACCESSORY UNIT – A structure or building that will be used exclusively for an existing building or business located on the same property. Examples are storage facility, office space, or commercial activity that is an extension of the primary business.

APPROVING AUTHORITY – Shall mean the Village of Solon Springs, or its duly authorized committee, agent, or representative.

AMMONIA NITROGEN – (NH₃-N) shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄. Quantitative determination of Ammonia nitrogen shall be made in accordance with procedures set for in “standard methods” or Chapter NR 149 of the Wisconsin Administrative Code.

BIOCHEMICAL OXYGEN DEMAND – (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of “Standard Methods”.

BUILDING DRAIN – shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.

BUILDING SEWER – shall mean the extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.

CHEMICAL ELEMENTS AND COMPOUNDS – shall mean that are typically found in wastewater and may be regulated by this ordinance.

These are as follows:

Aldrin	C ₁₂ H ₈ Cl ₆
Ammonia Nitrogen	NH ₃
Arsenic	As
Benzene	C ₆ H ₆
Benzo (a) Anthracene	C ₁₄ H ₁₀
Benzo (a) pyrene	C ₂₀ H ₁₂
Beryllium	Be
BIS (2-Ethylhexyl) Phthalate	(C ₂ H ₅) ₂ C ₄ H ₄ (C ₆ H ₄) ₂

Cadmium	Cd
Carbon Tetrachloride	CCl ₄
Chlordane	C ₁₀ H ₆ Cl ₈
Chloroform	CHCl ₃
Copper	Cu
Chromium	Cr
Cyanide	Cn
DDT	(C ₆ H ₄) ₂ CHCCl ₃
DDD	(C ₆ H ₄) ₂ CHCHCl ₂
DDE	(C ₆ H ₄) ₂ CHCl
Dieldrin	C ₁₂ H ₈ Cl ₆
3,3-Dichlorobenzidine	C ₆ H ₃ Cl ₂ NH ₂ C ₆ H ₃ Cl ₂ NH ₂
Dichloromethane	CH ₂ Cl ₂
2, 4-D	C ₆ H ₃ (OH) ₂ Cl ₂
Dimethyl Nitrosoamine	(CH ₃) ₂ NN=O
Endrin	C ₁₂ H ₈ Cl ₆
Heptachlor	C ₁₀ H ₇ Cl ₇
Hexachlorobenzene	C ₆ Cl ₆
Hexachlorobutadiene	C ₄ Cl ₆
Lead	Pb
Lindane	C ₆ H ₆ Cl ₆
Malathion	C ₁₀ H ₁₉ O ₆ PS ₂

Mercury	Hg
Molybdenum	Mo
Nickel	Ni
Nitrogen	N
PCB's	C ₁₂ H ₁₀
	C ₁₂ H ₉ Cl
	C ₁₂ H ₈ Cl ₂
	C ₁₂ H ₇ Cl ₃
	C ₁₂ H ₆ Cl ₄
	C ₁₂ H ₅ Cl ₅
	C ₁₂ H ₄ Cl ₆
	C ₁₂ H ₃ Cl ₇
	C ₁₂ H ₂ Cl ₈
	C ₁₂ HCl ₉
	C ₁₂ Cl ₁₀
Pentachlorophenol	C ₆ Cl ₅ OH
Phenanthrene	C ₁₄ H ₁₀
Phenol	C ₆ H ₅ OH
Phosphorous	P
Phosphate	PO ₄
Radium	Ra
Selenium	Se

Tetrachloroethylene	CC12CC12
Toxaphene	C10H10C18
Trichloroethylene	CHC1CC12
2, 4, 6-Ttrichlorophenol	C6H2C13OH
Vinyl Chloride	CH2CHC1
Zinc	Zn

COMMERCIAL USER - shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic wastewater. Apartment buildings with four or more units shall be considered a commercial user.

COMMISSIONERS – shall mean the Village Board of Solon Springs.

COMPATIBLE POLLUTANTS – shall mean biochemical oxygen demand, suspended solids, phosphorus, Ammonia, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.

DOMESTIC WASTEWATER; NORMAL DOMESTIC STRENGTH WASTEWATER – shall mean water-carried wastes normally discharging into the sanitary sewer from dwellings (including apartment houses and condominiums) and commercial establishments, free from storm water and

industrial waste. Domestic Wastewater shall have a strength equal to or less than 300 mg/l BOD5, 300 mg/l suspended solids, and elemental phosphorus equal to or less than 12 mg/l.

EASEMENT – shall mean an acquired legal right for the specific use of property owned by another.

FLOATABLE OIL – shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.

GARBAGE – shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

GRINDER PUMP – shall mean pumping units and pressurized lines for individual structures owned by the property owner.

GROUND GARBAGE – shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

INCOMPATIBLE POLLUTANTS OR WASTEWATER – shall mean wastewater or sewer with pollutants or of such a strength that will adversely

affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.

INDUSTRIAL WASTE; INDUSTRIAL WASTEWATER – shall mean the wastewater from industrial process trade, or business, as distinct from sanitary sewerage, including cooling water and the discharge from sewage pretreatment facilities.

LICENSED DISPOSER – shall mean a person or business holding a valid license to do sewer servicing under NR.113.

“MAY” – shall mean permissible.

MUNICIPAL WASTEWATER –shall mean the wastewater of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastewater from residences, commercial buildings, industrial plants and institution, together with any groundwater, surface water, and storm water that may have entered inadvertently the sewerage system, also termed “sewage”.

NATURAL OUTLET – shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

PARTS PER MILLION – shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

PERSON – shall mean any and all persons, including any individual firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.

pH – shall mean pH the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water for example, has a pH value of 7 and a hydrogen ion concentration of 10.

PUBLIC SEWER – shall mean any sewer provided by or subject to the jurisdiction of the Village of Solon Springs. It shall also include sewers within or outside the corporate boundaries that serve one or more personnel ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds.

PHOSPHORUS – shall mean the total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphates, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in “Standard Methods”.

POTW – shall mean “Publicly Owned Treatment Works”. It is used interchangeably with “Wastewater Treatment Facility” (WWTF).

REPLACEMENT COSTS – shall mean all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required to maintain capacity and performance during the

design life of the facility. A separate segregated district replacement fund shall be established and used only for replacement of equipment.

REPLACEMENT UNIT – shall mean a structure or building or part of the same used principally as a single-family dwelling or single-family housing unity.

RESIDENTIAL USER – shall mean any user who premises are used primarily as a domicile for one or more persons and discharges only domestic wastes, but not including dwellings classified as “Commercial User”.

RESIDENTIAL EQUIVALENT UNIT – shall mean the system whereby sewer user charges can be distributed amongst the different type of users on an equitable basis. The use is use-based, and is established using a neutral parameter such as gallons of water used or volume of wastewater expected from a user.

SANITARY SEWAGE – shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewage system.

SANITARY SEWER – shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm and surface wastes that are not admitted intentionally.

SEPTAGE – shall mean the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

SEWAGE - shall mean is the spent water of the community. The preferred term is “municipal wastewater”.

SEWER SERVICE AREAS – shall mean the areas presently served and anticipated to be served by a municipal wastewater collection system. State regulations (NR 121) required that the water quality management plans delineate sewer service areas of urban areas with a population of over 10,000. Approved facility plans contain less detailed sewer service areas for communities under 10,000 population.

SEWER SERVICE CHARGE – shall mean a service charge levied on users of the wastewater collection and treatment facilities for payment of user-related capital expenses as well as the operation and maintenance costs, including replacement of said facilities.

SEWER SYSTEM – shall mean the common sanitary sewers within a sewerage system that are primarily installed to receive wastewaters directly from facilities that convey wastewater from individual structures or from private property. The service connection “Y” fittings designed for connection with those facilities are part of the Village owned sewer system. The facilities that convey wastewater for individual structures, from private property to the public sanitary sewer, or its equivalent, are

specifically excluded from the definition of “sewerage collection system”. Pumping units and pressurized lines for individual structures or groups of structures are also specifically excluded from the definition of “sewerage collection system”.

“SHALL” – shall mean mandatory.

SLUG LOAD – shall mean any substance release at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.

STANDARD METHODS – shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water, Sewage, and Industrial Wastes”, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STORM DRAIN – shall mean (sometimes referred to “ storm sewer”) drain or sewer for conveying surface water, groundwater, subsurface water of unpolluted water from any source.

STORMWATER RUNOFF – shall mean that portion of the rain fall that is collected and drained into the storm sewers.

SUSPENDED SOLIDS - shall mean solids that either float on the surface of, or are in suspension in, water wastewater sewer, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods” and is referred to as non-filterable residue.

UNPOLLUTED WATER – shall mean water of quality equal or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by the discharge to the sanitary sewers and wastewater treatment facilities provided.

USER – shall mean any person who discharges or causes to be discharged, domestic wastewater, industrial discharges or any other wastewater into the public sewer system.

WASTEWATER FACILITIES – shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial waste and sewer and dispose of the effluent and sludge.

WASTEWATER TREATMENT WORKS – shall mean an arrangement of devices and structures for treating wastewater, sewer, industrial waste and sludge. Sometimes used synonymously with “waste treatment facility”, “wastewater treatment facilities” (WWTF), or “Publicly Owned Treatment Works” (POTW).

WATERCOURSE – shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT – shall mean the document issued by the State of Wisconsin Department of Natural Resources which established effluent

limitations and monitoring requirements for a municipal wastewater treatment facility.

ARTICLE III

MANAGEMENT, OPERATION AND CONTROL

The management, operation and control of the sewer system for the Village of Solon Springs is vested in the Village Board; all records, minutes and all written proceedings thereof shall be kept by the Clerk; the Clerk and Treasurer shall keep all financial records.

CONSTRUCTION. The Village Board shall have the power to construct wastewater treatment facilities, transport facilities, and sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village, and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village Board shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the Village Board shall have power to purchase and acquire for the Village all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

MAINTENANCE OF SERVICES. The Property Owner shall own and maintain sewer service from the street main to the house and including all

controls between the same, without expense to the Village, except when they are damaged as a result of negligence or carelessness on the part of the Village. All sewer services must be maintained free of defective conditions, by and at the expense of the Owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. Each new service shall conform to the requirements set forth in Article IV of this ordinance. Grinder pumps required to provide service shall be owned and maintained by the Property Owner. Each grinder pump shall service only one individual property. Sharing of grinder pumps between properties is not allowed.

CONDEMNATION OF REAL ESTATE. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

TITLE TO REAL ESTATE AND PERSONALTY. All property, real, personal, and mixed, acquired for the construction of the sewer system,

and all plan, specifications, diagrams, papers, books, and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village.

ARTICLE IV

USER RULES AND REGULATIONS

GENERAL. The rules, regulations, and sewer rates of the Village hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village sewer system or wastewater treatment facility and every such person, company, or corporation by connecting with the sewer system or wastewater treatment facility shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the Village may hereafter adopt, are violated the use or service shall be shut off from the building or place of such violation (even through two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Village and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village may determine, and a satisfactory understanding with the part that no further cause for complaint shall arise. In case of such violation, the Village, furthermore, may declare any payment made for these services by the party or parties committing such violation, to be forfeited, and the same shall thereupon be

forfeited. The right is reserved to the Village to change these said rules, regulations, and sewer rates from time to time as they may deem advisable, and make special rates and contracts in all proper cases.

The following rules and regulations for the government of licenses plumbers, sewer users and others are hereby adopted and established.

PLUMBERS. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Village. All service connections to the sewer main shall comply with State plumbing codes.

USER.

(1) MANDATORY HOOK-UP. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within 365 days of notice in writing from the Village. Upon failure to do so the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, however that owner may within thirty (30) days after the completion of work file a written option with the Village stating that he or she cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so

collected with interest at the rate of six (6) percent per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 66.0715, Wisconsin Statutes.

In lieu of the above, the Village at its option may impose ten (10) days written for the period that the violation continues, after notice to any owners failing to make a connection to the sewer system of a forfeiture in the amount equal to one-hundred and fifty percent (150%) of the minimum monthly charge for sewer service payable monthly, for the period in which the failure to connect continues. Upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 66.0715.

This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort, and safety of the Village.

(2) SEPTIC TANK PROHIBITED. The maintenance and use of septic tanks, holding disposal systems, within the area of the tanks and other private sewage disposal serviced by it sewer system are hereby declared to be public nuisance and a health hazard. From and after August 1, 1978, the use of septic tanks, holding tanks or any private sewage disposal system within the area of the Village serviced by the sewage system shall be prohibited.

(3) APPLICATION FOR SEWER SERVICE. Every person desiring to connect to the sewer system shall file an application in writing to the Village on such forms as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Village. The application must state full and truthfully all the wastes which will be discharged. The application must provide the complete, correct legal description of the property to be served.

(a) An application for disposal of industrial waste shall include:

- (1) Estimated Volume of Waste
- (2) Variations in Rate of Discharge
- (3) Characteristics of Waste, and
- (4) Strength of Waste

(b) If the applicant is not the owner of the premise, the written consent of the owner must accompany the application. A copy of Form 1 – Solon Springs Application/Contract Sewer Connection” is located in Appendix A of this Ordinance. Persons connected to the sewer system of the Village are referred to herein as “Users”.

(c) If it appears that the service applied for will not provide adequate service for the contemplated use, the Village may reject the application. If the Village approves the application, it shall issue a permit for service as shown on the application.

(4) APPLICATION FOR SEPTAGE DISPOSAL. Discharge of septage will not be allowed to the Village sewage system.

(5) CONNECTION CHARGE. Persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense. This included all work within the street right of way and on private property. Patching of Village streets shall be the responsibility of the person attaching to the sewer main.

(6) TAP PERMITS. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Village.

(7) USER TO KEEP IN REPAIR. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system. This includes the portion of the service pipe located within the street right of way.

(8) BACKFLOW PREVENTOR. All floor drains shall have a backflow prevention valve installed at the owner's expense.

(9) FOUNDATION DRAIN, SUMP PUMP, AND ROOF DRAIN

DISCHARGES TO THE SANITARY SEWER ARE PROHIBITED.

No foundation drains, sump pumps, roof drains, or catch basin drains are permitted to discharge to the sanitary sewer system. Storm water and Clearwater sources must be excluded from the sanitary sewer system.

(10) USER USE ONLY. No user shall allow other persons or other services to connect to the sewer system through their lateral.

(11) USER TO PERMIT INSPECTION. Every user shall permit the Village or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and Section 196,171, Wisconsin Statutes.

(12) UTILITY RESPONSIBILITY. It is expressly stipulated that no claim shall be made against the Village or acting representative by reasons of the breaking, clogging, stoppage, or freezing or any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs of any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any area of the Village, the Village shall, if practicable, give notice to

each and every consumer within the time when such service will be shut off.

(13) EXCAVATIONS. In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will result in the least inconvenience to the public.

No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent setting. This work together with the replacing of sidewalks, ballast and paving must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(14) TAPPING THE MAINS. No persons except those having special permission from the Village or persons in their service and approved by them, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits or order from the Village to ensure that new

sewers and connections to the sewer system are properly designed and constructed.

Pipes should always be tapped on top, and not within six (6) inches (15 cm) of the joint, or within twenty-four (24) inches (60 cm) of another later connection. All service connections to mains must comply with State plumbing code. Lateral connections to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting-in) wyes or tees into the existing sewer. The wyes or tees shall be of the same pipe material as the existing sewer. Where the existing sewer is clay, the wyes or tees shall be PVC. The lateral/tee connection shall be made with approved adaptors or couplings.

A separate tap fee shall be paid for such connection to the sewage system. The Village shall specify these tap fees by separate ordinance. Each building with sewer service on a property shall be responsible to pay a tap fee.

(15) INSTALLATION OF HOUSE LATERALS. All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter COMM 82 “Design, Construction, Installation, Supervision, and Inspections of Plumbing”, especially, Section COMM 82.30, “Sanitary Drain Systems”.

Every new user and every existing user who makes changes to or replaces the service lateral which services said user shall have a

backflow preventor installed in the sewer lateral on the user's property, prior to the property line. Connections shall be made by permit only, using a licensed and certified contractor. See requirements regarding licensing of plumbers in this Article. The required permit is incorporated in this Ordinance, in Appendix A. The individual property owner is responsible to have a backflow preventor, lateral, and connection installed in accordance with Code references cited in the previous paragraph.

As required by Section COMM 82.34(5), all laterals shall be inspected: "The building sewer and/or private interceptor gain sewer shall be inspected upon completion of placement of the pipe and before backfilling and testing.

(16) EXTENSIONS. The Village shall extend sewer mains to new person(s) in accordance with the following charges and the following conditions.

When an extension of a sewer main is required by the prospective user, said person shall make an application on such a form as is prescribe for that purpose for such an extension in writing to the Village by filing of such an application, the Village shall first determine the logical location of the next manhole or manholes. Next, the Village shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facility, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All

sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.

The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among the users.

After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the Village shall determine the benefits to be received by any parcel that can be served by said extension. Before making a determination as to benefits received, Village shall first divide the area to be service into logical building lots. Such as the Village may consider the recommendations of the landowner in determining said building lots if the landowner as part of his or her application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot as a separate user.

Payments are to be considered contributions to construction and after the original contribution in any future connection by reason other than to a lot owned by a party making a previous contribution, such user shall be required to pay to the Village their pro-rata share of the lot or lots owned by

the new attaching user in the entire extension cost as if said user had been one of the original contributors.

In addition to the charge made as above provided to each lot, each user shall pay the full costs of the lateral from the main to their building.

(17) PRIVATE SYSTEMS PROHIBITED. The maintenance and use of private sewage disposal systems within the area of the Village served by sanitary sewer are hereby declared to be a public nuisance and a health hazard. For all proposed development within the Village, but outside of the sewage service area, the Village will determine on a case-by-case basis if a private sewerage disposal system is acceptable. The sewage service area is defined as anywhere in the Village within 1,000 feet of public sewer.

(18) ADDITIONAL AUTHORITY. The Village may at any time establish specific connection and lateral charges for any not covered by other provisions in this Ordinance or when the Village has made an extension and the Village has failed to provide lateral or connection charges.

It is further provided that the Village may amend or alter any connection or lateral charge after establishment under the terms of this Ordinance or previous Ordinance or Resolutions.

It is further provided that the Village may require a user to provide special waste treatment, pre-treatment pumping, grinding, or other practices, to be maintained at the user's expense, if the Village or its duly

authorized representative determines the wastewater from that user merits such measures prior to discharge to the sewage system and wastewater treatment facility.

ARTICLE V

REGULATIONS

GENERAL DISCHARGE PROHIBITIONS

No Discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the Authority.

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the Village of Solon Springs wastewater facilities or wastewater treatment works. This included but is not limited to gasoline, naphtha, fuel oil, lubricating oil, and benzene.

2. Solid or viscous substances that will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system. This includes but is not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, etc.

3. Any wastewater having a pH less than 5.0 or higher than 9 or having

any other corrosive property capable of causing damage, or hazard to structures, equipment , or personnel of the system (unless the system is specifically designed to accommodate such wastewater).

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set for in State or Federal Categorical Pretreatment Standards.

A toxic pollutant shall include but not be limited to any Pollutant identified in the Toxic Pollutant List set for in NR 215 of the Wisconsin Administrative Code.

5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewer s for their maintenance and repair.

6. Any substance that may cause the Village of Solon Springs effluent or treatment residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

7. Any substance which will cause the Village of Solon Springs to violate its WPDES and/or other Disposal System Permits.

8. Any substance with objectionable color not removed in the treatment

process, such as, but not limited to, dye washes and vegetable tanning solutions.

9. Any wastewater having a temperature which will inhibit biological activity in the Village of Solon Springs treatment works resulting in interference,; but in no case, wastewater with a temperature at the introduction into the Publicly Owned Treatment Works which exceeds 40°C(104°F).

10. Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the Publicly Owned Treatment Works.

11. Any unpolluted water including, but not limited to non-contact cooling water.

12. Any wastewater containing any radioactive wastes-or isotopes of such half-life or concentration as exceed limits established by the Authority in compliance with applicable State or Federal regulations.

13. Any wastewater that causes a hazard to human life or creates a public nuisance.

14. Any storm water, surface water, ground water, roof run-off or surface drainage or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the Village.

15. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

16. Any sewer into a sewer manhole or the wastewater treatment facility or any storage area located in the collection system, which would cause the sewer to be delivered to the wastewater treatment facility.

17. Any water or wastes which may contain more than 100 parts per million by weight of fat, oil or grease.

LIMITATIONS ON WASTEWATER STRENGTH

1. National Categorical Pretreatment Standards

National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all Dischargers of the regulated industrial categories.

2. State Requirements

State requirements and limitations on discharges to the Publicly Owned Treatment Works shall be met by all Dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.

3. Right of Revision

The Authority reserves the right to amend this Ordinance to provide for more stringent limitations or requirements for discharges to the Publicly Owned Treatment Works where deemed necessary to comply with the objectives set for in this Ordinance.

4. Dilution

No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set for in this Ordinance.

5. Supplementary Limitations

No Discharger shall discharge wastewater containing concentrations (and/or mass limitations) of the following enumerated materials, exceeding the following values:

Material	Concentration (mg/l)	(Mass Limitation)
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The authority may impose mass limitations on Dischargers which are using siltation to meet the Pretreatment Standards of Requirements of this Ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the Authority.

6. Accidental Discharges

Each Discharger shall provided protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge of

prohibited materials shall be provided and maintained at the Discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. Review and approval of such plans and operating procedures by the Authority shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

Dischargers shall notify the Authority immediately upon the occurrence of a "slug load", or accidental discharge of substances, are prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Discharger who discharges a slug load of prohibited materials shall be liable for any expenses, loss or damage to the Name of the Municipality, wastewater facilities or wastewater treatment works, in addition to the amount of any fines imposed on the Authority on account thereof under State and Federal law.

Signs shall be permanently posted in conspicuous, places on Discharger's premises, advising employees who to call in the event of a slug or accidentally discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notifications procedures.

ARTICLE VI (amended 7/26/10)(see amended version at the end of this ordinance)

SEWER USER CHARGE SYSTEM

DEFINITIONS. The following terms shall have the following meaning under this Ordinance.

(1) DEBT SERVICE CHARGES shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facility.

(2) NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations of BOD5 and suspended solids no greater than 300 and 300 milligrams per liter (mg/l) respectively.

(3) NORMAL USER shall be a user whose contributions to the sewage system consist only of normal domestic strength waste water originating from a house, apartment, flat, or other living quarters occupied by a person or person constituting a distinct household business or commercial enterprise.

(4) OPERATION AND MAINTENANCE COSTS shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, clear water flows (U/I) may be distributed 1) in the same manner as O & M, 2) land area of users 3) number of hookups and 4) actual or estimated water usage shall be divided proportionately among the various sewer users.

(5) REPLACEMENT COSTS shall include all costs necessary to

accumulate the resources to replace equipment as required to maintain capacity and performance during the (design life of the facility)*. A separate segregated distinct replacement fund shall be established and used for only replacement of equipment.

(6) SEWER SERVICE CHARGE is a service charge levied on users of the sewage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.

POLICY. It shall be the policy of the Village of Solon Springs to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewage facilities, including a replacement fund (i.e. a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewage system during the service life for which such facilities were designed and constructed).

BASIS FOR SERVICE CHARGE. The quarterly billing shall be a flat rate for residential customers and a combination of fixed charges and volume charges for commercial and industrial customers. The rates shall be sufficient to pay the billing and customer related administration expenses and the annual cost of operation and maintenance, including-any replacement fund, of the sewage facilities.

The rates shall be reviewed not less than biennially. Such review

shall be performed by the Village, and the rates shall be adjusted, as required, to reflect actual number and size of users and actual costs.

All commercial and industrial users will be billed based upon water meter readings. Commercial and industrial users must supply, own, install and maintain water meters at their own costs.

SEWER SERVICE CHARGES. A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewage system. Such sewer service charge shall be payable as hereinafter provided and in amount determined by a separate ordinance.

Rates for commercial and industrial users will be determined based upon the residential unit rate. The residential unit rate will be determined by dividing the residential flat rate by an assumed 2.5 persons per home and assumed water use of 60 gallons per day per person for a 91 day quarter.

Additional charges for industrial users may be applied.

All water entering a commercial or industrial user shall be metered. Sewer service charges shall be applied to 100 percent of the metered water use unless the user can demonstrate, to the satisfaction of the Village that the annual actual sewer usage varies by greater than 10% from the metered water use. In cases where a 10% variance is

documented, the Village may allow installation of a second meter to measure flows not discharged to the sanitary sewer.

These additional flows would not be charged for sanitary sewer.

ARTICLE VII

CONTROL OF INDUSTRIAL WASTES

INDUSTRIAL DISCHARGES. If any waters, wastes or septage are discharged, or proposed to be discharged, to the public sewage system contain substances or possess the characteristic enumerated in Article V and which, in the judgment of the Village may be detrimental to the sewage system, the Village may:

- (1) Reject the wastes
- (2) Require pretreatment to an acceptable condition for discharge to the sewage system
- (3) Require a control over the quantities and rates of discharge
- (4) Require payment to cover the added cost of handling and treating of the waste not covered by existing taxes or sewer charges.

CONTROL MANHOLES

- (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, including domestic sewage.

(2) Control manholes or access facilities shall be located and built in a manner acceptable to the Village. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village.

(3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Village prior to the beginning of construction.

MEASUREMENT OF FLOW. The volume of flow used for computing the sewer service and the cost recovery charges shall be based upon the water consumption of the person. A water meter shall be installed at all commercial and industrial facilities to record water consumptions for billing purposes. The water meter shall be installed, owned, and maintained by the person discharging the wastewater. The water meter installation shall be reviewed and approved by the Village prior to installation. Following approval and installation, such meters may not be removed without the consent of the Village.

PROVISION FOR DEDUCTIONS. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Village that more than 10 percent of the total annual volume of water

used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial waste discharger.

METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Village if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume for water shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Village.

WASTE SAMPLING.

(1) Industrial waste discharges into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste at least quarterly.

(2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village. A minimum of at least quarterly sampling shall be necessary to determine sewer service charges.

(3) Testing facilities shall be the responsibility of the person discharging

the waste or septage and shall be subject to the approval of the Village or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

PRETREATMENT. When required, in the opinion of the Village, to modify or eliminate waste that are harmful to the structures, processes, or operation of the sewage system, the discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

GREASE AND/OR SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided by the industrial discharger when in the opinion of the Village they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands, and other harmful components. The interceptor unit shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharge shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Village. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

Depending on the type of industry, monthly monitoring may be required. No industry should be monitored less than quarterly. Monitoring must be done so the industry will be properly billed for sewer use charges.

ANALYSES.

(1) All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in the Ordinances shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and "Guidelines Established Test Procedures for Analyses of Pollutant," (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to the approval by the Village.

(2) Determination of the character and concentration of the industrial waste shall be made by the person discharging them or their agent, as designated and required by the Village. The Village may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the

determination, they may elect to have an independent laboratory determine the character and concentration of the waste. Aid independent laboratory shall be certified under NR 149 and be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

SUBMISSION OF INFORMATION. Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Village prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewer.

SUBMISSION OF BASIC DATA. With three (3) months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the Village a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewage system.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial waste shall prepare and file with the Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a

request for extension of time may be presented for consideration to the Village.

ARTICLE VIII

PAYMENT FOR CHARGES

PAYMENT AND PENALTY. The sewage service charge shall be for a three month period, and shall be payable to the Village no later than 30 days after the end of each period. A penalty of 1% per month shall be added to all bills not paid by the date fixed for final payment. Failure to receive a bill shall be no exemption from penalty. Every reasonable care will be exercised in the delivery of bills. Failure to receive a bill shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, or exempt any person from any penalty imposed for delinquency in the payment thereof.

CHARGES AS A LIEN. All sewage charges shall be a lien upon the property serviced pursuant to Section 66.076(7), Wisconsin Statutes, and shall be collected in the manner therein provided.

DISPOSITION OF REVENUE. The amounts received from the collection of charges authorized by this Ordinance shall be credited to a sanitary sewer account that shall show all receipts and expenditures of the sewer system. Charges collected for replacement expense shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village, the credits

to the sanitary sewer account shall be available for the payment of the requirements of operation, maintenance, repairs, and depreciation of the sewer system consistent with NR 162.11. Any surplus outside the preview of NR 162.11 in said account, shall be available for the payment of principal and interest of bond issued and outstanding, or which may be issued to provide funds for said sewer system, or part thereof, and all or a part of the expenses for additions and improvements and other disbursements or indebtedness, and the Village may Resolve to pledge each surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.

ADDITIONAL CHARGES. Additional charges may be imposed upon each lot, parcel of land, building, or premises served by public sewer and wastewater facilities located outside the boundaries of the Village to equalize local capital costs. Such additional charges shall result in a minimum charge for each user according to the schedule for debt repayment from utility revenues. Such additional charges shall be added to the sewer bill for each billing period.

EXCESS REVENUES. Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

ARTICLE IX

VIOLATIONS AND PENALTIES

DAMAGES. No unauthorized person shall maliciously, willfully, or negligently break, damage destroy, uncover, deface, or tamper with any structure of pertinence of equipment that is a part of the sewer system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

WRITTEN NOTICE OF VIOLATION. Any person connected to the sewer system found to be violating a provision of this Ordinance shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time states in such notice, permanently cease all violations.

ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system that caused damage to the sewer system and/or receiving water body shall, in addition to a fine, pay the amount to cover all damages, both of which will be established by the Village.

ACCIDENTAL DISCHARGE REPORTING. Any person responsible for an accidental discharge, that may have a detrimental impact on the sewer system, shall immediately report the nature and amount of the discharged to the Village.

CONTINUED VIOLATIONS. Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided, upon conviction thereof, forfeit not less than two hundred dollars, (\$200), together with the cost of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed five (5) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

LIABILITY TO THE VILLAGE OF SOLON SPRINGS FOR LOSSES.

Any person violating any provision of this Ordinance shall become liable to the Village for any expenses, loss, or damage occasioned by reason of such violation that the Village may suffer as a result thereof.

DAMAGE RECOVERY. The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the sewer system damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

PENALTIES. Any person who shall violate any of the provision of this Ordinance or rules or regulations of the Village or who shall connect a service pipe or discharge without first having obtained a permit therefore; or

who shall violate any provisions of the Wisconsin Statutes, Wisconsin administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties set out in Section III (C) for mandatory hookup.

APPEAL PROCEDURES. Any user, affected by a decision, action, or determination, including and desist orders, made by the interpreting or implementing provisions of this Ordinance may file with the Village a written request for reconsideration with ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Village upon receiving the request for reconsideration shall publish the request in the official newspaper. The Village shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of the request. If the ruling on the request for reconsideration made by the Village is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Village.

ARTICLE X

VALIDITY

REPEAL OF CONFLICTING ORDINANCES. All ordinances, resolutions, orders, or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same are hereby repealed.

SAVINGS CLAUSE. If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.

AMENDMENTS. The Village, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.

Adopted this 27th day of June, 2005.

AMENDMENT TO 7.02 AS ADOPTED ON JULY 26, 2010:

DEFINITIONS. The following terms shall have the following meaning under this ordinance.

(1) DEBT SERVICE CHARGES shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facility.

(2) NORMAL DOMESTIC STRENGTH WASTEWATER shall mean

wastewater with concentrations of BOD5 and suspended solids no greater than 300 and 300 milligrams per liter (mg/l) respectively.

(3) NORMAL USER shall be a user whose contributions to the sewage system consist of normal domestic strength waste water originating from a house, apartment, flat, or other living quarters occupied by a person or person constituting a distinct household business or commercial enterprise.

(4) OPERATION AND MAINTENANCE COSTS shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, clear water flows (U/I) may be distributed 1) in the same manner as O & M, 2) land area of users 3) number of hookups and 4) actual or estimated water usage shall be divided proportionately among the various sewer users.

(5) REPLACEMENT COSTS shall include all costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the (design life of the facility)*. A separate segregated distinct replacement fund shall be established and used for only replacement of equipment.

(6) SEWER SERVICE CHARGE is a service charge levied on users of the sewage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.

POLICY. It shall be the policy of the Village of Solon Springs to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewage facilities, including replacement fund (i.e. a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewer system during the service life for which such facilities were designed and constructed.

The rates shall be reviewed not less than biennially. Such review shall be performed by the Village and the rates shall be adjusted as required.

SEWER SERVICE CHARGES. A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewer system. Such sewer service charge shall be payable as hereinafter provided and in an amount determined by a separate ordinance.

Section Two: That 8.02, Article VII, Control of Industrial Waste, be amended as follows:

ARTICLE VII

CONTROL OF INDUSTRIAL WASTES

INDUSTRIAL DISCHARGES. If any waters, wastes or septage are discharged, proposed to be discharged, to the public sewage system

contain substances or possess the characteristic enumerated in Article V and which, in the judgment of the Village may be detrimental to the sewage system, the Village may:

- (1) Reject the wastes
- (2) Require pretreatment to an acceptable condition for discharge to the sewage system.
- (3) Require a control over the quantities and rates of discharge
- (4) Require payment to cover the added cost of handling and treatment of the waste not covered by existing taxes or sewer charges.

CONTROL MANHOLES.

- (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, including domestic sewage.
- (2) Control manholes or access facilities shall be located and built in a manner acceptable to the Village. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village.
- (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times.

Plan for installation of the control manholes or access facilities and related

equipment shall be approved by the Village prior to the beginning of construction.

WASTE SAMPLING.

(1) Industrial waste discharges into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste at least quarterly.

(2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village. A minimum of at least quarterly sampling shall be necessary to determine sewer service charges.

(3) Testing facilities shall be the responsibility of the person discharging the waste and septage and shall be subject to the approval of the Village or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

PRETREATMENT. When required, in the opinion of the Village, to modify or eliminate waste that are harmful to the structures, processes, or operation of the sewage system, the discharger shall provide at their expense each preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

GREASE AND/OR SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided by the industrial discharger when in the opinion of the Village they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands, and other harmful components. The interceptor unit shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licenses disposal firms.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

Depending on the type of industry, monthly monitoring may be required. No industry should be monitored less than quarterly.

ANALYSIS.

(1) All measurements, tests, and analysis of the characteristics of water and waste to which reference is made in the Ordinances shall be determined in accordance with the latest edition of "Standard Methods for

the Examination of Water and Wastewater”, published by the American Public Health Association and “Guidelines Established Test Procedures for Analyses of Pollutant,” (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to the approval by the Village.

(2) Determination of the character and concentration of the industrial waste shall be made by the person discharging them or their agent, as designated and required by the Village. If the person discharging the waste contests the determination, they may elect to have an independent laboratory determine the character and concentration of the waste. Aid independent laboratory shall be certified under NR 149 and be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

SUBMISSION OF INFORMATION. Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Village prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewer.

SUBMISSION OF BASIC DATA. With three (3) months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the Village a report that shall include

pertinent data relating to the quantity and characteristic of the waste discharged to the sewage system.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial waste shall prepare and file with the Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of time may be presented for consideration to the Village.

7.03 VACATING OF PERMISES AND DISCONTINUANCE OF SERVICE

Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the Village of Solon Springs must be notified in writing. The owner of the premises shall be liable for any damages to the property of the Village by reason of failure to notify the Village of a vacancy or any such damage which may be discovered having occurred to the property of the Village other than through the fault of the Village of its employees, representatives or agents.

7.04-B AMENDMENT TO SCHEDULE OF USER FEES & ASSESSMENTS (amended July 26, 2010, which follows this version)

Section 1: Quarterly user fees

The quarterly sewer rates for residential property will increase from sixty-one dollars (\$61.00) to seventy-five dollars (\$75.00) or by approximately twenty-three percent (23%) a quarter, effective with the first quarter of 2011 and will remain in effect until otherwise changed by the Village Board.

The quarterly sewer rates for commercial and public property will also increase by twenty-three percent (23%) effective with the first quarter of 2011 and will remain in effect until otherwise changed by the Village Board.

The commercial and public property quarterly rates will be as follows:

Public Building Rates:

	<u>Quarterly</u>	<u>Annual</u>
Jehovah Witness Church	\$113.00	\$452.00
Our Savior's Lutheran Church	\$113.00	\$452.00
First Presbyterian Church	\$113.00	\$452.00
Solon Springs School District		
1 st quarter	\$4,047.00	
2 nd quarter	\$3,371.00	
3 rd quarter	\$2,697.00	
4 th quarter	\$4,047.00	\$14,162.00

Commercial Rates:

Auto Glass & Accessories	\$91.00	\$364.00
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Centurytel	\$113.00	\$452.00
Clinic Building	\$203.00	\$812.00
Coldwell Bank Bachand Realty	\$91.00	\$364.00
Country Creations	\$91.00	\$364.00
Dahlberg Light & Power	\$197.00	\$788.00
Douglas County Forestry Dept.	\$173.00	\$692.00
Douglas County Forestry-Parks	\$658.00	\$2,632.00
Flamang Building	\$212.00	\$848.00
H & L Industries	\$339.00	\$1,356.00
Hair in the Pines	\$91.00	\$364.00
J.T.'s One Stop	\$212.00	\$848.00
K.D.'s Family Restaurant	\$376.00	\$1,504.00
Laundromat	\$904.00	\$3,616.00
Little Gift House	\$91.00	\$364.00
Masterjohn Realty	\$91.00	\$364.00
Mertz-Rookey Insurance	\$91.00	\$364.00
Mertz-Rookey Insurance	\$91.00	\$364.00
Mobile Home Park	\$642.00	\$2,568.00
National Bank of Commerce	\$128.00	\$512.00
Ole's Country Market	\$256.00	\$1,024.00
Once in a Blue Moon	\$91.00	\$364.00
Prevost's	\$453.00	\$1,812.00
St. Croix Inn	\$593.00	\$2,372.00
Solon Springs Machining	\$91.00	\$364.00
Solon Springs Mercantile	\$218.00	\$872.00
Solon Springs Parts City	\$125.00	\$500.00
Swanson's Campgrounds & Motel	\$797.00	\$3,188.00
United States Post Office	\$113.00	\$452.00
Village Pump	\$376.00	\$1,504.00
Volz Trucking	\$226.00	\$904.00
Wausau Paper Company	\$226.00	\$904.00
Wheelworks Pottery	\$91.00	\$364.00
Whistle Stop	\$91.00	\$364.00

b. Special Assessments

For all new sewer connections to the Village of Solon Springs' main sewer line, a special assessment will be charged as stated below. The owner of the property will pay the special assessment amount due to the

Village of Solon Springs for each sewer connection to the Village's main sewer line prior to a sewer permit being issued for the sewer connection.

1. All single residential structures	\$2,200.00
2. All duplex residential structures (1.5 plus residential rate)	\$3,300.00
3. All triplex residential structures (1.75 plus residential rate)	\$3,850.00
4. All four to eight unit residential structures	\$3,666.00
5. All nine to twelve unit residential structures	\$4,583.00
6. All thirteen plus unit residential structures	\$5,729.00
7. All commercial structures	\$3,666.00

In some cases a grinder pump may be required, please see ordinance 8.02 for further details.

7.04-A SCHEDULE OF USER FEES AND ASSESSMENTS

Section 1: Quarterly User Fees

The quarterly fee assessed for use of the Sewer Utility services shall be applied on a property by property basis, utilizing the following table:

TABLE OF RESIDENTIAL EQUIVALENCY UNITS (REU)

Single Family Residence	1 REU
Duplex Residence	2 REU
Apartment Houses of 3 or more dwelling units	1 REU per dwelling unit
Retail Business (1 fixture)	1.2 REU
Retail Business (2 to 6 fixtures)	1.5 REU
Churches	1.5 REU
Hardware or Parts Stores (1 to 4 fixtures)	1.7 REU

Banks and Savings Institutions	1 REU per 4000 sq. ft.
General Office Building	1 REU per 1800 sq. ft.
Truck Repair/Garage (1 to 4 Bays)	3 REU
Truck Repair/Garage (5 or more Bays)	5 REU
Grocery Store	1 REU per 2000 sq. ft.
General Industry	1 REU per 3000 sq. ft.
Restaurant with Bar	1 REU per 400 sq. ft.
Restaurant without Bar	1 REU per 600 sq. ft.
Park with Restroom Facilities	1 REU per every 5 ac.
Gasoline or Service Station (8 pumps or less)	2.8 REU
Mobile Home Park	1 REU per Mobile H.
Motel	1 REU per 4 units
Laundromat	1 REU per 1.4 wash.
Campground	1 REU per 14 sites
School District (K-12)	1 REU per every 2 st.

The fee to be assessed shall be \$61.00 per REU until January 1, 2011, at which time the fee to be assessed shall be \$75.00 per REU.

Section 2: Special Assessments

For all new sewer connections to the Village of Solon Springs' main sewer line, a special assessment will be charged as stated below. The owner of the property will pay the special assessment amount due to the Village of Solon Springs for each sewer connection to the Village's main sewer line prior to a sewer permit being issued for the sewer connection.

1. All single residential structures \$2,200.00
2. All duplex residential structures \$3,300.00
(1.5 plus residential rate)
3. All triplex residential structures \$3,850.00
(1.75 plus residential rate)
4. All four to eight unit residential structures \$3,666.00
5. All nine to twelve unit residential structures \$4,583.00

6. All thirteen plus unit residential structures \$5,729.00

7. All commercial structures \$3,666.00

In some cases a grinder pump may be required, please see ordinance 8.02 for further details.

Adopted July 26, 2010.

7.05 QUARTERLY FLOW RATES CHARGED TO OTHER DISTRICT'S

a. A quarterly flow rate shall be charged to the Gordon Sanitary District and the Upper St. Croix Lake Sanitary District for their share of sewer flow going into the Village of Solon Springs sewer system.

The Gordon Sanitary District connects directly into the Village's lagoon system (treatment system). Gordon sewer flows go directly into the treatment system and does not affect the Village's collection system.

The Upper St. Croix Lake Sanitary District connects to the Village's collection system, which flows run through the collection system to the treatment system.

Each of these Districts will reimburse the Village of Solon Springs on a quarterly bases. The amount the District's pay is based on a rate determined by the Village Board in agreement with the District's, which is charged per every 1,000 gallons of sewer running into the Village's system.

This rate is determined by the Village employee's record of sewer expenses for each the Village's collection system and treatment system. A base rate is determined for each the collection and treatment system.

The Gordon Sanitary District is charged only the rate determined for the treatment system, since this district is connected directly to this part of the system and does not travel through the other parts of the Village's sewer system.

The Upper St. Croix Lake Sanitary District is charged the rate established for both the collection and the treatment system. This District's flow travels through the entire Village system.

The rates established for each of the District's in 2010, to take effect January 1, 2011 are as follows and will be review, with a possible adjustment every three (3) years with each of the Sewer District's:

Gordon Sanitary District	\$4.18 per 1,000 gallons
Upper St. Croix Lake Sanitary District	\$5.90 per 1,000 gallons

Adopted May 24, 2010.

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCES

CHAPTER 8

BUILDING

&

ZONING

8.01 DEFINITIONS & TERMS

a. Housing means any improved property, including any mobile home defined in s. 66.0435, which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence.

b. Discriminate and Discrimination means to segregate, separate, exclude or treat any person unequally only because of race, color, religion, national origin or ancestry, or sex. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination.

c. Unimproved Residential Lot means any residential lot upon which no permanent building or structure containing living quarters has been constructed.

Adopted July 27, 2004.

8.02 DISCRIMINATION PROHIBITED

It is unlawful for any person to discriminate:

a. By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.

b. By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease or rental of housing.

c. By refusing to finance or sell an unimproved residential lot

or to construct a home or residence upon such lot.

d. By publishing, circulating, issuing or displaying or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing which states or indicates any discrimination in connection with housing.

Adopted July 27, 2004.

8.03 ADOPTION OF UDC CODE

CONTENTS

- 1.1 Authority
- 1.2 Purpose
- 1.3 Scope
- 1.4 Adoption of Wisconsin Uniform Dwelling Code
- 1.5 Building Inspector
- 1.6 Building Permit Required
- 1.7 Building Permit Fees
- 1.8 Penalties
- 1.9 Effective Date

1.1 Authority

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

1.2 Purpose

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

1.3 Scope

The scope of this ordinance includes the construction and inspection of all one and two family dwellings built since June 1, 1980.

1.4 Wisconsin Uniform Dwelling Code Adopted

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

1.5 Building Inspector

The Village of Solon Springs shall contract with a Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings as specified by Wisconsin Statutes 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of USCHVAC, UDC Electrical and UDC Plumbing.

1.6 Building Permit Required

No person shall, in excess of one-thousand dollars (\$1,000.00) of value in any twelve (12) month period, build, add or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-complaint condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces (finishing is defined as painting or staining or similar work) and installation of cabinetry shall be exempted from permit requirements.

1.7 Building Permit Fee

The building permit fees shall be determined by resolution.

1.8 Penalties

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunction action. Forfeitures shall be not less than twenty-five dollars (\$25.00) nor more than one-thousand dollars (\$1,000.00) for each day of noncompliance.

1.9 Effective Date

This ordinance shall be effective October 26, 2004, upon passage and publication as provided by law.

**8.04-A AMENDMENT TO ORDINANCE REGULATING THE
ISSUANCE OF BUILDING PERMITS AND GENERAL
PERMITS IN THE VILLAGE OF SOLON SPRINGS**

- 1.1 Authority
- 1.2 Purpose
- 1.3 Scope
- 1.4 Permits are required
- 1.5 Building applications and permits for all new one and two family dwellings
- 1.6 Building applications and permits to have all alterations and additions and garages inspected
- 1.7 Site plans and surveys required
- 1.8 Setbacks to follow
- 1.9 General permits to be issued for remodeling
- 1.10 Fees for applications and permits
- 1.11 Period of permits
- 1.12 Revocation of permit
- 1.13 Report of violations
- 1.14 Penalties

1.1 Authority

These requirements are adopted under the authority granted by the Village of Solon Springs Zoning Ordinances Section XI, dated August 1965 and Wisconsin Statutes 101.65.

1.2 Purpose

The purpose of this ordinance to define the issuance of permits by the Village of Solon Springs for projects on private residential and commercial property.

1.3 Scope

The scope of this ordinance includes the requirements to obtain a permit from the Village of Solon Springs to remodel an existing structure, to construct an alteration or addition to an existing structure, to construct a garage or to construct a new building or dwelling.

1.4 Permits required

Any property owner or contractor in the Village of Solon Springs is required to obtain a permit for the following projects:

- a. Remodeling the interior or exterior of an existing dwelling
- b. Installation of a fence, sidewalk, and driveway
- c. Construction of a garage or building (residential or commercial)
- d. Construction of an addition or alteration to an existing dwelling or building (residential or commercial)
- e. Construction of all new dwellings (residential or commercial)
- f. Installation of a manufactured home or building

If construction begins without a permit, the Village Board or their designee has the right to stop the work by issuance of a work stop order and cease all work until the required permits are legally obtained.

1.5 Building applications for all new one and two family dwellings to

be inspected

As outlined in Ordinance 9.04 and in compliance with Wisconsin Statutes 101.65, all new one and two family dwellings are to be inspected. The following is the procedure for a property owner or contractor to obtain a permit to construct a new one and two family dwelling in the Village of Solon Springs:

- a. Two application packages are available at the village clerk's office:
 - 1. Building permit application for site built dwellings
 - 2. Building permit application for manufactured dwellings
- b. The cost to obtain any one of the two application packages is thirty five dollars (\$35.00), which is paid to the village clerk before the application package can be obtained.
- c. The property owner or contractor may be required to provide the Village of Solon Springs with a recent survey of the property where the project will occur and a site plan. If a survey cannot be provided, the property owner or contractor may be requested to have a survey completed.

The application package provided will include all the pertinent information that the property owner or contractor will need to begin the permitting process.

1.6 Building applications and permits for additions, alterations and

garages

The Village of Solon Springs will strongly recommend to any residential or commercial property owner or contractor requesting an application to construct an addition or alteration to an existing structure (includes second or more stories), an attached or detached garage, or an accessory building to have the projects inspected by a Certified Uniform Dwelling Code Building Inspector. A fact sheet explaining the importance of having the projects inspected along the inspector's name, address and telephone number will be handed to anyone requesting an application for these projects.

If the residential or commercial property owner or contractor chooses not to have the project inspected, the application along with a site plan will be turned over to the Village Board at their next regular meeting for their review and consideration. The Village Board may, at the meeting, deem necessary for the applicant to provide a recent survey or have a survey conducted.

No building permit for these projects can be issued without the permit fee being paid, a site plan received, a survey if applicable and Village Board review and approval.

1.7 Site plan and survey maybe required

Any residential or commercial property owner or contractor requesting an application for a project that is for new construction or will change the

square footage of the existing buildings on the property, such as: an attached or detached garage, an accessory building, an addition or alteration to an existing dwelling, installation of a sidewalk, driveway or fence may be required to provide a site plan and possibly a survey.

A site plan is defined as follows: plot plans, showing the location of proposed building project with respect to adjoining streets, alleys, lot lines and buildings and a certificate signed by such applicant setting forth the easement restrictions and other matter affecting such property.

If a new dwelling or building is being constructed on a vacant piece of property, the property owner or contractor may be required to provide proof of a survey of the property in question prior to the application package being given to them.

For all other construction project, the application and site plan will be presented to the Village Board at their next regular meeting for their review and consideration of approval. The Village Board upon review may require the property owner or contractor to provide proof that a survey was conducted or will be conducted before the Village of Solon Springs or their designee will the issue the permit to proceed with the project.

1.8 Setbacks requirements

When a residential or commercial property owner or contractor is constructing a new dwelling, building, garage, alteration or addition to an

existing building, sidewalk, fence or driveway, the following setbacks must be adhered to:

Fences, the minimum setback is two (2) feet in from any property line.

Garages, the minimum setback is ten (10) feet from any village street right-of-way.

New dwellings, buildings, alterations or additions, the minimum setback is twenty-five (25) feet from any village street right-of-way.

New dwellings, buildings, alterations or additions, the minimum setback is thirty-five (35) feet from any state highway right-of-way.

New dwellings, buildings, alterations or additions, the minimum setback is fifteen (15) feet from any village alley right-of-way.

New dwellings, buildings, alterations, or additions, the minimum setback is seventy-five (75) feet from the high water mark if lake property.

A rear yard should have a minimum depth of fifty (50) feet.

For dwellings/buildings of one and one-half (1 ½) stories, a sum of not less than fifteen (15) feet and no single side yard less than six (6) feet from the property line.

For dwellings/buildings of two and one-half (2 ½) stories, a sum of not less than twenty (20) feet and no single side yard less than eight (8) feet from the property line.

Maximum height is thirty-five (35) feet and two and one-half stories (2 ½).

Minimum dwelling size is six hundred (600) square feet per family.

Minimum lot size needed for construction of a new home eight thousand, seven hundred (8,700) square feet. If building plans do comply with the setbacks listed, the property owner must submit a written request to the Village Board to consider granting a variance. The cost for a variance is one hundred twenty five dollars (\$125.00).

1.9 General applications and permits

A permit is required for any remodeling project or minor repairs of the exterior or interior of an existing building or dwelling, which project cost would exceed five-hundred dollars (\$500.00).

A permit can be issued immediately to any residential or commercial property owner or contractor for a remodeling project, upon completion of the application and payment of the thirty five dollars (\$35.00) fee.

1.10 Fees for applications and permits

The fee schedule is as follows:

Application package for a new site built dwelling	\$35.00
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Application package for a new manufactured dwelling	\$35.00
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Permits for these projects will be issued by the
UDC Inspector

Permits for alterations, additions, garages, buildings	\$35.00
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Permits for fences, sidewalks, driveways	\$35.00
--	---------

Permits for remodeling projects \$35.00

Permits for projects that commence without obtaining
a permit \$100.00

1.11 Period of Permits

The period for permits issued for new one and two family dwellings is determine by the Uniform Dwelling Code Inspecting Agency.

The period for permits issued by the Village of Solon Springs is one (1) year from the date the permit was issued. If the project is not completed within one (1) year, the property owner or contractor must request an extension of time from the Village Board or its designee.

1.12 Revocation of permits

The Village Board may revoke any building permit or approval issued under the regulations of this ordinance and may stop construction for any of the following reasons:

a. If the Village Board or its designee shall find, at any time that any Village ordinance, law, order, plan and specification is not being conformed with and that the holder of the permit refused to conform after written warning has been issued.

b. Whenever the continuance of any construction becomes dangerous of life or property.

c. Whenever there is any violation of any consideration or provisions of the application for permits or of the permit.

The notice issued by the Village Board shall revoke the building permit by written notice posted at the site of the work.

When any such permit is revoked, it shall be unlawful to do any further work there under until the permit is reissued, excepting such work as the Village Board or its designee may order to be done as a condition precedent to the re-issuance of the permit, or as they may require of the preservation of human life and safety of the property.

Any additional fees imposed, due to the revocation, shall be paid to the Village of Solon Springs prior to the recommencement of work. The penalty fees shall not exceed the penalty description as described in Section 1.14 of this ordinance.

1.13 Report of violations

Any village employee, inspector, or board member who witnesses any and all suspicious building activity, must report this activity to the entire Village Board. The Village Board will investigate any unusual activity and take the appropriate action. Furthermore, the Village Board, if deemed necessary, may contact the Village Uniform Dwelling Code Inspector or another State Building Inspector at the property owner's expense.

2. If the construction project is underway and the property owner or constructor does not have a valid building permit, the Village Board or its Designee will post the site with a stop work order until said permit is legally obtained.

1.14 Penalties

The Village Board or its designee has the right to issue a stop work order for any construction project that began without a valid permit. Work will not commence until the required permit is obtained.

The enforcement of this section and all other laws and ordinances relating to building and construction shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each day of non-compliance.

Adopted July 27, 2004.

8.05 PROCEDURES FOR STRUCTURES DEEMED A HAZARD AND UNSAFE

Whenever the Village Board its designee finds a building or part thereof within the Village of Solon Springs to be dilapidated or sufficiently out of repair as to be dangerous, or the building is structurally unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the Village Board or its designee will, after an inspection of the building is conducted, either by local officials or if deemed necessary by a State Certified Building Inspector.

Further, if deemed necessary by the Village Board, an order will be issued to the owner to raze and remove such building or part thereof, or if it can be made by repairs to make safe and sanitary, or to raze and remove will be the owner's option.

Such order and proceedings shall be in the format as follows and as outlined by Wisconsin Statutes 66.0413:

ORDER TO RAZE AND REMOVE

To: Property owner's name

Address: Mailing Address
City, State, Zip

Location Address
City, State, Zip

The Village Board and/or Zoning Inspector for the Village of Solon Springs, Wisconsin, under and by virtue of the authority in them vested by the Wisconsin Statutes 66.0413 and Village of Solon Springs' Ordinance _____, hereinafter referred to as Village does hereby ORDER and notify you and all persons interested pursuant to statutory direction, that pursuant to the Village Solon Springs Code of Ordinances _____, and Section 66.0413 of the Wisconsin Statutes, in such cases made and provided, that certain building(s) located in the Village of Solon Springs, Douglas County, Wisconsin at:

Legal description:

Parcel Number:

Street Address:

has been inspected by the Douglas County Health Department and was found to be unfit for human habitation, permanent occupancy or use by virtue of its state of age and condition of the structure and foundation. Pursuant to said Ordinance, the Wisconsin Statutes designated above, and such inspection findings, you are hereby ORDERED TO REMOVE SUCH BUILDING(S) FROM THE PREMISES WITHIN SIXTY (60) DAYS. Upon your failure or refusal to comply with this ORDER within the time prescribed, the Village of Solon Springs shall cause such building(s) to be razed and removed either by contract or arrangement with private persons, and the cost of such razing and removing shall be charged against the real estate upon which such building(s) is located and shall be a lien upon such real estate and shall be assessed and collected as a special tax.

Anyone affected by this STIPULATION shall within thirty (30) days after service of this ORDER apply to the Circuit Court of Douglas County for an order restraining the Village Board and/or Zoning Inspector from razing and removing such building(s) or part thereof or forever be barred.

Dated in the Village of Solon Springs of Douglas County, Wisconsin this

_____, ____.

Village of Solon Springs Representative

c: Village Attorney

Village Assessor

8.06-A AN ORDINANCE ESTABLISHING A SETBACK FOR INSTALLATION OF FENCES ON PRIVATE PROPERTY

SECTION 1: At present the Village of Solon Springs Zoning Ordinances do not require a setback for installation of fences on private land; the ordinances allow fences to be installed on the property lines. With fences located on property lines, the property owner who owns the fence and is responsible for maintenance of the fence would have to walk on the adjoining property owner's land to maintain the fence.

SECTION 2: To eliminate any liability, the Village Board by this ordinance as allowed by Wisconsin Statutes 61.351 section 4b, will require a setback for all fences that are erected on any private property in the Village Solon Springs to be no less than two (2) feet from a property line.

SECTION 3: This ordinance shall take affect upon proper publication and posting as required by Wisconsin Statutes. Further, any law, resolution or ordinance that is in conflict with this ordinance shall become null and void.

Adopted June 28, 1999.

8.07 ZONING ORDINANCES

ZONING ORDINANCE

VILLAGE OF SOLON SPRINGS

WISCONSIN

AUGUST 1965

An ordinance to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes to divide the Village of Solon Springs, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

The Village Board of the Village of Solon Springs, Wisconsin, do ordain as follows:

SECTION 1. INTERPRETATION AND PURPOSE

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Solon Springs, Wisconsin.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with an existing easement, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

SECTION II. DISTRICTS

1. For the purposes of this ordinance, the Village of Solon

Springs, Wisconsin is hereby divided into 5 districts as follows:

- (1) Agricultural District
- (2) Single Family District
- (3) Commercial District
- (4) Light Industrial District
- (5) Heavy industrial District

2. The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Zoning District Map, Village of Solon Springs, Wisconsin," dated _____, 19__, which map accompanies and is made a part of this ordinance. All notations and references shown on the district map are as much a part of this ordinance as though specifically described herein.

(a) The district boundaries are either streets, alleys, lot lines, or natural features such as streams, unless otherwise show, and where the

designation on the district map indicates that the various districts are approximately bounded by a street, alley, lot line or stream, such lot line or the center line of such street or alley, or the main channel of such stream shall be construed to be the district boundary line.

(b) In un-subdivided property, the location of the district boundary lines shown on the district map shall be determined by use of the scale show on such map.

3. There shall be a certified copy of the district map described above. A copy of such map shall be kept in the office of the village clerk, and shall be available for inspection by any person during regular office hours. Such copy shall bear on its face the notation that it is the certified copy of the district map. The certificate to be signed by the village president and attested by the village clerk, and it shall show the number and title of this ordinance the date of its adoption. Thereafter no amendment of this ordinance which causes a change in the boundaries of any district shall become effective until such change, together with a certified describing the change has been shown in the certified copy. Such certificate of amendment shall likewise be signed by the village president, attested by the village clerk, and shall show the number of amending ordinance and the date of its adoption.

SECTION III. DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word “building” includes the word “structure”, the word “shall” is mandatory and not directory. Any words not herein defined shall be construed as defined in the state and city building codes.

Accessory Use or Building. A use or building on the same lot with and subordinate to the main use or building and customarily incidental thereto. An automobile trailer or other vehicle or part thereof, or other building used as a temporary or permanent dwelling or lodging place is not an accessory use or building for the purpose of this ordinance.

Alley. A public or private way which affords only secondary vehicular access to abutting property.

Apartment House. See “Dwelling, Multiple.”

Automobile Wrecking Yard. Any premises on which more than one automotive vehicle not in running or operating condition is stored in the open.

Basement. A story partly or wholly underground.

Boarding House. A building other than a hotel where meals, or lodging and meals are furnished for compensation for persons who are not members of the resident family.

Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by un-pierced walls extending from the ground up, each part shall be deemed a separate building, except for side yard requirements where manifestly inappropriate.

Building, Height of. The vertical distance from the average curb level in front of the lot or the finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

Building, Main. A building constituting the principal use of a lot.

Dwelling, One Family. A detached building designed for an occupied exclusively by one family.

Dwelling, Two Family. A detached or semidetached building designed for and occupied exclusively by two families.

Dwelling, Multiple. A building or portion thereof designed for and occupied by more than two families, including tenement houses, row houses, apartment houses and apartment hotels.

Exception. The use of property, including the use and location of buildings, the size of lots and the dimensions of years, otherwise not allowable under the terms of this ordinance, for which a special permit may be issued under the conditions specified in this ordinance.

Family. One or more persons living together in one dwelling unit as a single housekeeping entity; provided that a family may consist of not more than six such persons when not related by blood or marriage.

Floor Area. The area within the exterior all lines of a building; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, basement or utility rooms, garage, breeze-way and unenclosed porches.

Frontage. All the property abutting on one side of a street between two intersections streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Garage, Private. An accessory building or space for the storage only of automobiles.

Garage, Public. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

Home, Occupation. A gainful occupation, such as dressmaking, laundering, home cooking, handicraft and the like, conducted by members of the family only, within their place of residence.

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

Junk Yard. Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale, unless such accumulation shall be housed in a completely enclosed building.

Less Restricted. The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this ordinance.

Loading Space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. A loading space is not a parking space for the purposes of this ordinance.

Lodging House. A building other than a hotel where rooms, without board or kitchen facilities either in or in connection with such rooms, are provided for compensation for persons not members of the resident family.

Lot. A parcel of land having a width and depth of sufficient to provide the space necessary for one main building and its accessory buildings,

together with the open spaces required by this ordinance and abutting on a public street or officially approved place.

Lot, Corner. A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.

Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

Lot, Interior. A lot other than a corner lot.

Lot, Through. An interior lot having frontage on two streets.

Lot Lines. The lines bounding a lot as defined herein.

Lot, Width of. The shortest distance between the side lines of a lot, measured to the rear of the required front yard.

More Restricted. The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in this ordinance.

Motel. A building or group of buildings in which lodging, with or without meals, is offered to transient guests for compensation, with no kitchen facilities in any individual room or apartment, and with not less than one off-street parking space provided for each such room or apartment.

Nonconforming Use. A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments

thereto which use or occupancy does not conform to the regulations of this ordinance or any amendments thereto.

Parking Lot. A building or premises off the public street containing one or more parking spaces, open to the public free or for a fee, and providing access from a public street or alley to each parking space within such parking lot.

Parking Space. An unobstructed piece of ground or floor space sufficient for the temporary storage of one automobile. Each such parking space shall be not less than nine feet wide and 180 square feet in area exclusive of maneuvering space and access from or to a public street or alley. A loading space is not a parking space for the purposes of this ordinance.

Professional Offices. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

Setback. The depth of the front yard, measured horizontally on a lot from and at right angles to the front lot line or the right-of-way line of a proposed street on the official map, whichever results in the greater front yard depth.

Sign. Any structure or device, except those placed by the public authorities for public purposes, on which advertising is displayed, or

attention is directed to advertising on the same or any other structure by any means visible to the eye.

Stable. “Stable” shall have the same meaning as “garage”, one draft animal being considered the equivalent of one self-propelled vehicle.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street. All property dedicated or intended for public or private street purposes or subject to public easements therefore, which affords the principal means of vehicular access to abutting property.

Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Street Side. A street bounding the longer side of a corner lot.

Structural Alterations. Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

Trailer Camp. A tract or parcel of land on which accommodations are provided for two or more automobile trailers, camp cabins, house cars or other mobile homes.

Variance. A departure from the terms of this ordinance as applied to a specific building or lot, which the board of appeals may permit, contrary to the regulations of this ordinance for the district in which such building or lot is located, when the board finds that a literal application of such regulations will cause a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is not compensating gain to the public health, safety or welfare.

Vision Clearance. A space at the street corner of a corner lot which is bounded by the street lines and setback line connecting points located on each street line at specified distances from the corner.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of a lot between the nearest wall of the main building and the front lot line or the right-of-way line of a proposed street on the official map, whichever requires the greater front yard depth, excluding only such projections as are permitted hereinafter.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter. In the case of irregular or triangular lots, where none of the lines bounding the rear of the lot are parallel or approximately parallel to the front lot line, the rear lot line for the purpose of this ordinance shall be a line 15 feet long, wholly within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

Yard, Side. A yard extending from the front yard to the rear yard, between the side lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter.

SECTION IV. GENERAL PROVISIONS

Except as specifically provided otherwise in this ordinance, the following regulations shall apply to all districts:

A. Buildings and Uses

1. No provision of this ordinance shall be construed to bar an action to enjoin or abate the use of occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.

2. No provision of this ordinance shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of over-ground or underground public utility neighborhood service lines and

mechanical appurtenances thereto, where reasonable necessary for the preservation of the public health, safety, convenience and welfare.

3. The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

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

5. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance and the construction of which shall have been started within six months from the date of such permit.

6. Nonconforming Uses.

(a) The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be contained although such use does not conform with the provisions of this ordinance for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended.

(b) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more

restricted classification. Whenever a nonconforming use such use shall not thereafter be changed to a less restricted use. A nonconforming use shall not be changed to another nonconforming use of the same classification unless and until a permit therefore shall first have been secured from the board of appeals. See Section IV, A 9.

(c) If the nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.

(d) When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 60 percent of its current equalized assessed value it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50 percent of the equalized assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

7. Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required rear yards, shall not be more than 15 feet high and shall not be nearer than 5 feet to any lot line, except that where a private garage has an entrance on an alley, such entrance shall be located not less than ten feet from the nearest

alley line. The above height and area restrictions shall not apply to accessory buildings on farms or ten or more acres in area, but such accessory buildings shall not be closer than 100 feet to any side lot line. Where an accessory building is not located entirely within the rear yard, the side yard requirements for the district in which the premises are located shall be applied to such accessory building.

8. The board of appeals, after investigation and public hearing, may authorize the location of any of the following buildings or uses in any district from which they are excluded by this ordinance, provided that the board shall find that the proposed location is necessary in order to serve the public health, safety, convenience and welfare, and provide further that each such building or use shall comply with all other regulations for the district in which it is proposed to be located. To protect the value of neighboring buildings or uses, the board may attach reasonable conditions and safeguards, in line with the general purpose and intent of this ordinance.

- (a) Cemeteries.
- (b) Fire and police stations.
- (c) Hospitals and clinics, but not veterinary hospitals or clinics.
- (d) Institutions, public or private, of an educational, philanthropic or charitable nature.
- (e) Private clubs and lodges, excepting those the chief

activity of which is a service customarily carried on as a business.

- (f) Public dumping grounds.
- (g) Public utility buildings, structures and lines, including microwave radio, relay structures and their appurtenances, for such purposes as are reasonably necessary for the public convenience and welfare.
- (h) Railroad siding and structures.
- (i) Sewage disposal plants.

9. The board of appeals, after investigation and public hearing, may authorize the change of a nonconforming use to another of the same classification, provided that the board shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the exiting nonconforming use.

B. Area Regulations

1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

2. Where a lot has an area less than the minimal number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by one family.

C. Height Regulations

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.

2. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the main level of the adjoining ground is more than five feet.

3. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not excluding 60 feet nor five stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

4. Ornamental structures, radio and television, broadcasting and receiving towers, telephone, telegraph and power transmission poles, towers and lines, microwave radio relay structures and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein, are hereby exempted from the height regulations of this ordinance and may be erected in accordance with other local regulations or ordinances;

provided that any such structure which is accessory to a building in a residential district shall be located not less than 25 feet from any lot line.

5. Residences may be increased in height by not more than ten feet with all yards and other requested open spaces are increased by one foot for each foot by which such building exceed the height limit of the district in which it is located.

6. Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.

7. On through lots which extend from street to street, the height of the main building may be measured from the main elevation of the finished grade along the end of the building facing either street.

D. Front, Side and Rear Yard Regulations

1. No part of a yard or other open space provided about any building for the purpose of complying with the provision of this ordinance shall be included as part of a yard or other open space required for another building.

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

3. Where 50 percent or more of a frontage is occupied by buildings having setbacks which are greater or less than the setback required by this ordinance for the district in which such frontage is located, the setback on the remainder of such frontage shall be the average setback of such buildings.

4. Where less than 50 percent of a frontage is occupied by buildings, the following setbacks shall apply:

(a) Where a vacant lot abuts an occupied lot having a setback greater than is required by this ordinance, the setback on the abutting vacant lot shall be the average of the setback required by this ordinance for the district in which such lot is located and the setback on the occupied lot, or the average of such required setback and the lesser of the setbacks on the occupied lots, if the vacant lot abuts more than one occupied lot in the same frontage.

(b) Where a vacant lot abuts a lot occupied by a building which has a setback less than is required by this ordinance, the setback on the vacant lot shall be the setback required by this ordinance for the district in which such lot is located.

5. No part of any building which has a setback less than is required by this ordinance shall be enlarged or structurally altered within the front yard established by the setback required by this ordinance for the district in which such building is located.

6. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

7. Every part of a required yard shall be open and unoccupied by any structure from the ground upward, except as follows:

(a) Detached accessory buildings may be located in a required rear yard or in a side yard having excess width, but not in any part of such side yard that is required by this ordinance.

(b) Sills, belt courses, cornices, awnings, canopies, eaves and ornamental architectural features may project into any required yard not more than 30 inches; provided that no such feature shall project over the street line not more than eight inches; provided further that this regulation shall not apply to retractable awnings, which may extend over a street line to a point not less than one foot from the curb line.

(c) Bay windows, balconies and chimneys may project into any required yard not more than three feet, or into any side yard which does not abut on a street three feet, or 20 percent of the width of such yard, whichever is the lesser amount; provided that the total length of such projections on any one building wall shall not exceed one-third the length of such building wall.

(d) Fire escapes may project into any required yard not more than five feet, or into any side yard which does not abut on a street five feet or 20 percent of the width of such side yard, whichever is the less amount; provided that this regulator shall not be construed to require or permit a fire escape of less width than the minimum established by the state building code.

(e) Uncovered stops, stoops and landings may project into any required yard not more than six feet, or into any side yard which does not abut on a street six feet or 20 percent of the width of such yard, whichever is the lesser amount; provided that no such steps, stoops, or landings shall extend above the main or principal entrance floor, except for a railing or wall not more than three feet in height.

(f) Platforms, walks and drives extending not more than six inches above the average ground level at their margins, and retaining walls when the top of any such wall is not more than six inches above the average level of the abutting ground one side, may be located in any required yard.

(g) Fences, hedges and walls other than retaining walls may be located as follows:

(1) Fences having a ratio of solid part to open part greater than one to four hedges and walls, except retaining walls, more

than six feet in height shall be considered as buildings or structures, and the appropriate requirements of this ordinance shall be applied accordingly.

(2) Fences, hedges, and walls, except retaining walls, shall not exceed five feet in height, with visual clearance on corners when located in a front yard or in a side yard which abuts on a street.

(3) Fences, hedges, and walls, except retaining walls, shall not exceed two and one-half feet in height when located in a vision clearance triangle.

(4) Fences shall be installed not less than two feet from a property line.

8. There shall be a vision clearance setback line connecting the points at which the required front and side street setback lines on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object or natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the center line, or the elevation of the top of the curb if there be a curb.

This regulation shall not apply to the trunks of trees, fence posts not over six inches square or in diameter, retaining walls used to support ground at or below its natural level or wire fences so designated and constructed as

not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

E. Motor Vehicles and Parking

1. Not more than two automobiles, including not more than one truck of not more than five tons rated capacity, shall be stored or kept in any private garage for each family residing on the premises, provided that this regulation shall not apply to garages or machinery storage sheds or operating farms in the Agriculture District. See Section X, B 4 (H).

2. No commercial motor vehicle exceeding 14 G.V.W. Rating (tons rated capacity) shall be stored or parked on residential property.

3. In any Commercial or industrial District, wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

4. (a) All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space off the public street of sufficient size to accommodate at least one car for every five seats provided.

(b) Every dwelling hereafter erected or structurally altered shall provide parking space on the same lot, off the public street and accessible thereto, in the ratio of not less than one such parking space for each family which the building is intended to accommodate.

(c) Every building hereafter erected or structurally altered for any industrial use shall provide not less than one parking space for each four employees on the premises at any one time, plus not less than one additional parking space for each vehicle operated in connection with the use of such building.

SECTION V. AGRICULTURAL DISTRICT

Use. In the Agricultural District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. General farming, except fur farms and farms operated for the disposal of garbage, rubbish, offal or sewage.

2. Single family dwellings; provided that there may be one two-family dwellings or two single family dwellings on any operating farm, or not more than two trailer in addition to permitted dwellings, when such trailers are occupied by person engaged in the farm operation.

3. Accessory buildings; in the case of operating farms, this term shall include all buildings customary on such farms, provided that

buildings in which farm animals are kept shall be located not less than 100 feet from the nearest point on the boundary lines of any non-farm residential lot; in the case of non-farm residences the requirements of Section VI relating to accessory buildings shall apply.

4. No over four boarders or lodgers not members of the family.

5. Churches, public and parochial schools.

6. Hospitals and clinics, including veterinary hospitals and clinics.

7. Nursing homes, convalescent homes, homes for the aged.

8. Telephone, telegraph and power transmission towers, poles and lines and accessory structures, such as transformers, unit substations and portable equipment housings; microwave radio relay structures and radio and television broadcasting towers when their location shall first have been approved by the board of appeals, subject to the procedure specified in Section IV, A 8.

9. Railroad lines and structures.

10. Roadside stands for the sale of farm products produces on the premises.

11. Cemetery's.

12. Gravel pits and quarries, but not including manufacture of products on the premises or other than the production of crushed stone, gravel or sand.

13. Uses customarily incidental to any of the above uses when located on the same lot.

14. Home occupations, provided that such occupation is incidental to the use of the premises for residential purposes and does not effect any substantial change in the character of the premises or of the neighborhood; that no article is sold or offered for sale on the premises except such as is produced by such occupation; that no stock in trade is kept or sold; that no mechanical equipment is used other than such as is permissible for purely domestic purposes; and that no person other than a member of the resident family is employed on the premises.

15. Professional office, when established in a home and incidental to the residential occupation. Not more than 50 percent of the floor area of only one story of such home shall be devoted to such office, and not more than two persons not members of the family shall be employed on the premises.

16. Signs as follows:

(a) One sign, on the premises, for each professional person or home occupation, not over two square feet in area.

(b) One announcement sign or bulletin board for each public, religious or educational institution, not over 16 square feet in area.

(c) A sign, not over six square feet in area, pertaining to the lease, hire or sale of a building or premises, except that there may be two such signs for a group of more than three contiguous vacant lots.

(d) Two signs, not over six square feet in an area, for each roadside stand.

(e) One sign, not over four square feet in an area, for each hospital, clinic, nursing home, convalescent home or home for the aged. Such signs may be illustrated if attached flat against the building or if located not less than 50 feet from the nearest residence.

(f) One sign, attached flat against the building, advertising a permitted business.

(g) Signs for the protection of person or property.

(h) Signs placed by the public authorities for the guidance or warning of traffic.

Provided that no advertising sign of any other character shall be permitted in the Agricultural District; that all permitted signs, except signs placed by order of the public authorities or required to be located otherwise by law, shall be located on the premises to which they relate and at least five feet within the lot from the street line, and that no sign shall be illuminated, unless otherwise provided herein or so ordered by the public authorities.

Height, Yards and Area

In the Agricultural District, the height of buildings, the minimum dimensions of yards, the minimum size of dwellings and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected, moved or structurally altered shall exceed neither 35 feet nor two and one-half stories in height. See Section IV, C 2, 3, 4, 5, 6 7.

Side Yard. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. For buildings not over one and one-half stories, in height the sum of the widths of the required side yards shall be not less than 15 feet and no single side yard shall be less than six feet in width.

For buildings from two to two and one-half stories in height, the sum of the widths of the required side yards shall be not less than 20 feet and no single side yard shall be less than eight feet in width.

Provided, however, that on a lot having a width of less than 66 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yard shall be not less than 20 percent of lot width for a building not over one and one-half stories in height, and 30 percent of lot width for a building from two to two and one-half stories in height; provided further that the width of any single side yard shall be not less than 40 percent of the total required side yard width, but in no case

less than four feet. A side yard shall be provided on the street side of a reversed corner lot as required under “Setback” below. See Section IV, A 5; B 2; D 1, 2, 6, 7.

Setback. There shall be a setback of not less than 25 feet, provided that on any reversed corner lot less than 80 feet wide and of record at the time of passage of this ordinance, the setback on the side street shall be the setback required on the adjoining interior lot on such side street less one-half foot for each foot by which the width of the said corner lot is less than 80 feet, but the setback on the side street shall not be less than 50 percent of the setback required on such adjoining interior lot; provided, however, that the setback for detached accessory buildings shall be that required on the side adjoining interior lot. See Section III “Yard, Front,” and IV, A 5; B 1; D 3, 4, 5.

Rear Yard. There shall be a rear yard having a depth of not less than 50 feet. See Section IV, A 5; B 1; D 1, 2.

Minimum Dwelling Size. No building hereafter erected or moved for incidental purposes, except permitted mobile homes, shall have a floor area of less than 600 feet (square) per family. See Section III “Floor Area.”

Lot Area Per Family. Every building hereafter erected or moved shall provide a lot area of not less than 10,000 square feet per family, and no such lot shall be less than 66 feet in width; provided that no corner lot

hereafter lay out or divided shall be less than 80 feet in width. See Section III "Lot Width of," and Section IV, A 5; B 1, 2; D 1.

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the inner lines of the required front and side street yards on a corner lot, when projected, intersect the street lines. Within the space bounded by such setback line and the street lines, no structure or object or natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the centerline, or the elevation of the top of the curb if there be a curb. This regulation shall not apply to the trunks of trees, fence posts not over six inches square, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorist and pedestrians across the vision clearance opening from one street to another.

Auto Parking. See Section IV, E 4.

SECTION VI. SINGLE FAMILY RESIDENCE DISTRICT

Use. In the Single Family Residence District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Single family dwellings. See Section X, B 4 (g).
2. Churches, public and parochial schools, public libraries and

other public educational and cultural institutions. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums. Public recreational and community center buildings and grounds, such as parks, playgrounds, golf courses and swimming pools

3. Telephone buildings, exchanges and lines, unit or neighborhood substations and transformers, provided there is no service garage or storage yard; telephone, telegraph and power transmission poles and lines and necessary appurtenances, including portable public utility equipment housings. This regulation, however, shall not include microwave radio relay structures unless and until the location thereof shall first have been approved by the board of appeals. The setback requirements of this ordinance shall not be applied to the necessary and customary construction, reconstruction and maintenance of public utility poles and lines.

4. Not over three boarders or lodgers not members of the family.

5. Railroad right-of-way and passenger depots, not including switching, storage, freight yards or siding.

6. Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.

7. Home occupations, provided that such occupation is incidental to the use of the premises for residential purposes, does not involve any structural alteration of the building or any external construction not customary in dwellings, is not conducted in a detached accessory building, that no article is sold or offered for sale on the premises except such as is produced by such occupation, that mechanical equipment is used other than such poses and that no person other than a member of the immediate family living on the premises is employed.

8. Professional offices, when not more than one such office is established in any one dwelling, provided that such office shall be incidental to the residential occupation. Not more than 50 percent of the floor area of only one story of a dwelling unit shall be occupied by such office and not more than two persons not members of the family may be employed in such office.

9. Signs as follows:

(a) One sign, on the premises, for each professional person or home occupation, not over one square foot in area.

(b) One announcement sign or bulletin board for each public, religious or educational institution, not over 12 square feet in area.

(c) A sign, not over four square feet in area, pertaining to the lease, hire or sale of a building or premises, except that there may be two such signs for a group of more than three contiguous vacant lots.

(d) Two signs, not over four square feet in area, for each roadside stand.

(e) Signs for the protection of person or property.

(f) Sign placed by the public authorities for the guidance or warning of traffic.

Provided that no advertising sign or any other character shall be permitted in the Single Family Residence District; and provided further that all permitted signs, except signs placed by the public authorities or required to be located otherwise by law, shall be located on the premises to which they relate, and at least five feet from the inside sidewalk line, and that no such sign shall be illuminated except by order of the public authorities.

Height, Yards and Area

In the Single Family Residence District, the height of buildings, the minimum dimensions of yards and the minimum to area per family shall be as follows.

Height. Buildings hereafter erected or structurally altered shall exceed neither 35 feet nor two and one-half stories in height. See Section IV, C 2, 3, 4, 5, 6, 7.

Side Yard. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. For buildings not over one and one-half stories high, the sum of the widths of the required side yards

shall be not less than 15 feet and no single side yard shall be less than six feet in width.

For buildings from two to two and one-half stories in height, the sum of the widths of the required side yard shall be not less than 20 feet and no single side yard shall be less than eight feet in width.

Provided, however, that on a lot having a width of less than 66 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than 20 percent of lot width for a building not over one and one-half stories in height and 30 percent of lot width for a building from two to two and one-half stories in height; provided further that the width of any single side yard shall be not less than 40 percent of the total required side yard width, but in no case less than 4 feet, as required under "Setback" below. See Section IV, A 5; B 2; D 1, 2, 6, 7.

Setback. There shall be a setback of not less than 25 feet except on U.S. Highway 53 where the setback be not less than 35 feet, provided that on any corner lot less than 80 feet wide and of record at the time of the passage of this ordinance, the setback on the side street shall be the setback required on the adjoining interior lot on such side street less one-half for each foot by which the width of the said corner lot is less than 80 feet, but the setback on the side street shall not be less than 50 percent of the setback required on such adjoining interior lot; provided, however, that the

setback for detached accessory buildings shall be that required on the said adjoining interior lot. See Section III, "Yard, Front," and Section IV, A 5; B 1; D 3, 4, 5.

Rear Yard. There shall be a rear yard having a depth of not less than 50 feet. See Section IV, A 5; B 1; D 1, 2.

Minimum Dwelling Size. No building hereafter erected or moved for residential purposes, except permitted mobile homes, shall have a floor area of less than 600 square feet per family. See Section III, "Floor Area."

Lot Area Per Family. Every building hereafter erected, moved or structurally altered shall provide a lot area of not less than 8,700 square feet per family and no such lot shall be less than 66 feet in width; provided that nor corner lot hereafter laid out or divided shall be less than 80 feet in width. See Section III, "Lot, Width of," and Section IV, A 5; B 1, 2; D 1.

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the intersection of the centerlines, or the elevation of the top of the curbs at their intersection if there be a curb. This regulation shall not apply to the trunk of trees, posts

not over six inches square or in diameter, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

Auto Parking. See Section IV, E 4.

SECTION V1-A. MULTIPLE DWELLING RESIDENTIAL DISTRICT

Use. In a Multiple Dwelling District only buildings meant for Multiple Family Dwellings may be erected in this district.

Lot Area. Every building hereafter erected, moved or structurally altered shall provide a lot area of not less than 3,750 square feet per family and no such lot shall be less than 66 feet in width; provided that no corner lot hereafter laid out of divided shall be less than 80 feet in width. See Section III, "Lot, Width of," and Section IV, A 5; B 1, 2; D 1.

Height, Yards and Area. In the Multiple Dwelling Residential District, the height to buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings thereafter erected or structurally altered shall exceed neither 35 feet or two and one-half stories in height. See Section IV, C 2, 4, 5, 6, 7.

Side Yard. There shall be a side yard on each side of the building hereafter erected, moved or structurally altered. For building not over one and one-half stories in height, the sum of the widths of the

required side yards shall not be less than 15 feet and no single side yard shall be less than six feet in width.

For buildings from two to two and one-half stories in height, the sum of the widths of the required side yards shall be not less than 20 feet and no single side yard shall be less than eight feet in width.

Provided, however, that on a lot having a width of less than 66 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than 20 percent of the lot width in heights and 20 percent of the lot width for buildings from two to two and one-half stories in height; provided further that the width of any single side yard shall be not less than 40 percent of the total required side yard width, but in no case be less than 4 feet. As required under "Setback" below. See Section IV, A 5; D 1, 6, 7.

Setback. There shall be a setback of no less than 25 feet except on U.S. Highway 53 or Business 53 where the setback be no less than 35 feet, provided that on any corner lot less than 80 feet wide and of record at the time of passage of this ordinance, the setback on the side street shall be the setback required on the adjoining interior lot on such side street less one-half of each foot by which the width of the said corner lot is less than 80 feet, but the setback on the side street shall not be less than 50 percent of the setback required on such adjoining interior lot; provided, however, that the setback for detached accessory buildings shall be that required on

the said adjoining interior lot. See Section III, "Yard, Front," and Section IV, A 5; B 1; D 3, 4, 5. Having a depth of not less than 50 feet, see Section IV, A 5; B 1; D 1, 2.

Minimum Dwelling Size. No building hereafter erected or moved for residential purpose, except permitted mobile homes, shall have a floor area of less than 600 square feet per family. See Section III, "Floor Area."

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the intersection of the centerlines, or the elevation of the top of the curbs at their intersection if there be a curb. This regulation shall not apply to trunks of trees, posts not over six inches square or in diameter, or wire fences so designed and constructed as not to constitute a substantial obstruction to another.

Auto Parking. In the Multiple Dwelling Residential District two parking spaces per dwelling unit will be provided.

Approvals Required. Any structure which is requested to be built in Multiple Dwelling Residential District of the Village of Solon Springs shall have approval by the Village Board. Each application must be

accompanied by a site plan containing topography and proposed structural location and design.

SECTION VII. COMMERCIAL DISTRICT

Use

In the Commercial District no building or premises shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Animal hospital, pet shop.
2. Art shop, antique shop, gift shop.
3. Automobile fuel, sales and service establishments.
4. Bakery (retail).
5. Bank, financial institution.
6. Barber shop, beauty parlor.
7. Book and stationary store.
8. Bowling alley, pool and billiard room.
9. Bus depot.
10. Business and professional offices.
11. Candy and confectionery store.
12. Clinics.
13. Clothes store, department store, dress shop, hosiery shop, millinery shop, shoe store.
14. Drug store, ice cream shop, pharmacy, soda fountain.
15. Florist shop.
16. Food and dairy products establishments (retail), delicatessen, fruit and vegetable market, grocery store, meat and fish market.
17. Furniture store, office equipment store, upholsterer's shop.
18. Hardware store, home appliance store, paint store, plumbing, heating and electrical supplies store and sporting goods store.
19. Hotel, motel.
20. Jewelry store, watch repair shop.
21. Laundry or cleaning and dyeing establishments.
22. Microwave radio relay structures.
23. Music store, radio and television store.
24. Optical store.

25. Photographer and photographer's supplies.
26. Police and fire station, post office, municipal garage, except public shops and storage yards.
27. Printing shop.
28. Public utility offices.
29. Restaurant, café, cafeteria, caterer, drive-in food service, lunch room, and tavern.
30. Tailor shop, clothes cleaning and pressing shop.
31. Temporary structures, including signs, bill-boards and other outdoor advertising structures.
32. Theaters and places of amusement, except drive-in theaters.
33. Tobacco store.
34. Undertaking establishment.
35. Variety store and notions shop.
36. Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.
37. any other uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
38. Motor-cross track, pending agreement with developer.

Height and Area In the Commercial District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 45 feet nor three stories in height. See Section IV, C 2, 3.

Side Yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the Single Family Residence District shall apply; otherwise a side yard, if provided, shall not be less than six feet in width.

Setback. No setback shall be required in the Commercial District.

Rear Yard. There shall be a rear yard having a minimum depth of 20 feet for a building two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased three feet. See Section IV, A 5; B 1; D 1, 2, 5, 6, 7.

Minimum Dwelling Size. The minimum dwelling size shall be the same as for those for the Single Family Residence District, except that when a residence is located over an otherwise commercial use, a minimum dwelling area shall be provided of no less than 500 square feet per family. See Section III "Floor Area."

Lot Area Per Family. Every building or part of a building hereafter erected or structurally altered for residential purposes shall be the same as those for the Multiple Family Residence District, except that when a residence is located over an otherwise commercial use, a minimum lot area shall be provided of no less than 1,000 square feet per family. See Section IV, A 5; B 1, 2; D 1.

SECTION VIII. LIGHT INDUSTRIAL DISTRICT

Use. No building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Commercial District, conditionally or unconditionally, including any residential uses and educational, religious,

charitable or medical institutions constructed, under construction or for which a valid building permit has been issued on or before the effective date of this ordinance; provided that after such date no new residential uses or educational, religious, charitable or medical institutions shall be permitted, except that there may be one dwelling unit in connection with any permitted commercial use, when constructed as an integral part of the building in which such commercial use is located.

2. Blacksmithing, tinsmith, heating and plumbing shops.

3. Enameling and painting shops, provided that all painting, cleaning and related operations shall be conducted within a building.

4. Food locker plants.

5. Laboratories.

6. Machine shops and sheet metal products manufacture, provided that no stamp or punch process exceeding 20 tons capacity, or forge or drop hammers shall be located within 200 feet of the boundary of any residence district.

7. Manufacture and assembly of home and office appliances and supplies, sporting goods and supplies.

8. Manufacture and bottling of nonalcoholic beverages.

9. Manufacture of electrical and electronic appliances and devices.

10. Manufacture of jewelry, toys and novelties.

11. Manufacture of products from textiles, furs glass, leather, plaster, paper, plastics and wood, not including planing mills or the manufacture of paper, pulp, plastics or leather of the tanning of hides.

12. Processing, packing and manufacture of confections cosmetics, food and pharmaceuticals, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products and the vining of peas.

13. Repair, service and assembly of propelled vehicles, including the repair and storage of automobile accessories, except the wrecking or storage for salvage purposes.

14. Storage and warehousing of fuel and materials and contractor's yards, except the storage of wrecked or dismantled automotive equipment, junk, explosives or flammable gases or liquids; provided that all such storage or warehousing shall be within a building or fence not less than six feet in height; provided further that no materials shall be stacked or piled so as to exceed the height of such fence.

15. Wholesale business.

16. Uses customarily incident to the foregoing uses and accessory buildings and structures.

Height, Yards and Area

The height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

Height. Buildings hereafter erected or moved shall exceed neither 60 feet nor five stories in height and not structural alterations to any building shall increase its height above the limit herein established. See Section IV, C 1, 2, 4, 5, 6.

Side Yard. For buildings used in part for residential and in part for nonresidential purposes, where courts are not provided in lieu of side yards, in accordance with the regulations of the Commercial District, there shall be a side yard on each side of any such building as required by the regulations for the Single Family residence District, except that no side yard which abuts the boundary of a residence district shall be less than 15 feet in width, unless such district boundary lies within a street, alley railroad right-of-way or stream; otherwise a side yard, if provided, shall be not less than six feet in width. See Section IV, D 1, 6.

Setback. There shall be a setback of not less than 15 feet. See Section IV, D 2, 3, 4, 7.

Rear Yard. There shall be a rear yard having a minimum depth of 25 feet for a building three stories or less in height. For each additional story or fractional store in height, the depth of such rear yard shall be increased three feet. Loading platforms may be established in such rear yard where it abuts on a railroad. See Section IV, D 1, 6, 7.

Minimum Dwelling Size. Every building hereafter erected, moved or structurally altered for residential purposes shall have a floor area of not less than 600 square feet per family. See Section III, "Floor Area."

Lot Area. Every building used in part for residential purposes shall have a lot area of not less than 3,000 square foot per family. See Section IV, B 1, 2.

Vision Clearance. See Section IV, D 8.

Off-Street Parking. See Section IV, E 3, 4.

SECTION IX. HEAVY INDUSTRIAL DISTRICT

Use. Unless otherwise provided in this ordinance, buildings or land may be used for any purposes except the following:

1. Residential, educational, or institutional uses.
2. Uses in conflict with any laws of the State of Wisconsin or any ordinances of the Village of Solon Springs governing nuisances.
3. Any of the following uses unless the location of such use has been approved in writing by the board of appeals after investigation and public hearing. In approving or disapproving proposed locations for uses under this paragraph, the board shall give due consideration to the character and suitability for development of the neighborhood in which any such use is proposed to be located, and shall also base its decision on such evidence as may be presented to the board regarding those attributes of the heavy vehicular traffic and the admission of noise, smoke, dust or dirt, odorous or

noxious gases and the like, that would be detrimental to such character and such suitability for development:

- (a) Acid, ammonia, bleach, chlorine or soap manufacture.
- (b) Ammunition manufacture; explosive or fireworks manufacture or storage.
- (c) Asphalt, coal and coal tar or coke manufacture.
- (d) Automobile wrecking yard; junk yard.
- (e) Bones, distillation of.
- (f) Cement, lime, gypsum or plaster of Paris manufacture.
- (g) Fat rendering.
- (h) Fertilizer manufacture.
- (i) Forge plant.
- (j) Garbage, rubbish, offal or dead animal reduction or dumping.
- (k) Gelatin, glue or sine manufacture.
- (l) Inflammable gas or liquids, refining or manufacture of; over-ground tank farms.
- (m) Slaughterhouse, stockyard.
- (n) Smelting.

Height and Area.

The height of buildings, the minimum dimensions of yards and the lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 60 feet nor five stories in height. See Section IV, C 3, 6, 7.

Side Yard. There shall be a side yard on each side of a building, and no such side yard shall be less than eight feet in width; provided that, where a boundary of the Industrial District abuts a side or rear lot line of any lot in any Residential District, and there is not intervening street, any industrial use, including any accessory uses, there shall be a special setback from such residential lot line of no less than 25 feet; provided further that between such special setback line and the residential district boundary line there shall be a permanent evergreen planting, such as white or Norway Pine, the individuals trees to be of such number and so arranged that within ten 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 15 feet. See Section IV, D 1, 2.

Setback. There shall be a setback of not less than 25 feet, but this regulation, shall not apply to any building erected or under construction on the effective date of this ordinance. See Sections III, "Yard, Front," and IV, A 5; B 1; D 3, 4, 5.

Rear Yard. There shall be a rear yard having a minimum depth of 20 feet for a building two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased by

three feet. Loading platforms may be established in such rear yard where it abuts on a railroad. See Section IV, A 6; B 1; D 1, 2, 3, 4, 5, 6, 7.

Auto Parking. See Section IV, E 4 (c).

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet and ten feet above the elevation of the street pavement at the intersection of the centerlines; or the elevation of the top of the curbs at their intersection if there be a curb. This regulation shall not apply to the trunks of trees, fence posts not over six inches square, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

SECTION X. BOARD OF APPEALS – AMENDED VERSION 9/28/09

A. Creation of Board of Appeals

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Village President, subject to confirmation by the Village Board, for terms of three years, except that those first appointed, one shall serve for one year, two for two years, and

two for three years. The members shall service at such compensation as affixed by this ordinance and shall be removable by the Village President with confirmation by the Village Board for cause upon written charges and after a public hearing. The President shall designate one member as Chairperson. The Village President shall appoint an alternate member for a term of three years, who shall act with full power only when a member of the Board of Appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms became vacant.

2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. The Chairperson, or in their absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Village of Solon Springs and shall be a public record. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or it absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Board and shall be a public record.

3. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Solon Springs affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall schedule a Hearing of Appeals at least 30 days following the notice of appeal and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

4. Compensation to Board of Appeals fees for filing an appeal to the Board of Appeals shall be used to compensate the members of Board of Appeals and the secretary. As a filing fee is paid, the amount paid will be distributed equally between members of Board of Appeals and the secretary. See Section C of this ordinance, "Filing Fees."

B. Powers of Board of Appeals

The Board of Appeals shall have the following powers.

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the

administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto.

2. To authorize, upon appeal in specific cases such variance from the terms of the Zoning ordinances as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. See Section III, “Variance.”

a. Except as specifically provided, no action of Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

1. Notice shall be given to all property owners located within 100 feet from the proposed variance, along with official notice of the proposal variance advertised in a legal paper at least 30 days prior to the variance being considered by Board of Appeals.

b. In every case where a variance from these regulations has been granted by Board of Appeals, the minutes of the Board shall affirmatively show in what particular and specific respects an “unnecessary hardship” or “practical difficulty” would have been created by the literal enforcement of the terms of this ordinance.

3. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order requirement, decision or determination as in its opinion ought to be made, and to that end shall have all powers of the officer from whom the appeal was taken. A concurring vote of four members of Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this ordinance. In all cases, refusal of the board of Appeals to act favorably to the applicant on any matter shall be stated in writing, together with the reasons for such refusal. One copy thereof shall be delivered to the applicant and another shall be placed in the records of the Village of Solon Springs and shall be a public record.

4. To bear and decide exceptions to the terms of this ordinance, as follows also stated in Section III, "Exceptions" of this ordinance:

The use of property, including the use and location of buildings, the size of lots and the dimensions of years, otherwise not allowable under the terms of this ordinance for which a special permit may be issued under the condition specified in this ordinance.

a. To grant a permit for the change of a nonconforming use to another nonconforming use of the same classification. See Section IV, A 9.

b. To grant permits for certain specified uses, under certain circumstances, in districts from which such uses are otherwise excluded by this ordinance. See Section IV, A 8.

c. To approve the location of specified uses in the Industrial District as provided in Section VIII of this Ordinance.

d. To grant a permit for a temporary building for commercial or industry in a residential district which is incidental to the residential development, such permit is to be issued for a period of not more than one year.

e. To grant a permit for the extension of a district boundary for a distance of not more than 35 feet only where the boundary of a district divides a lot into a single ownership at the time of the adoption of this ordinance.

f. To permit in the Single Family Residential District, in appropriate case and subject to appropriate conditions and safeguards, the alteration or conversion into a two-family dwelling or a building, which was in use as a residence on the effective date of this ordinance, and which has prior to such conversion, a floor area in excess of 2,000 square feet, provided, however, as follows:

1. The enclosed usable area of the building shall not be increased nor shall the height of the building be increased.

2. Living quarters shall not be provided except in those portions of the building devoted to or designed for living quarters at the time of the adoption of this ordinance.

3. The open spaces surround the building shall be at least equivalent to those required by this ordinance for a new building.

g. To permit a private garage to house more than two but not more than four automobiles per family resident on the premises, as an accessory building to a dwelling, provided that the requirements of Section IV, A 7, are met, and provided further that in the case of a dwelling for more than two families may house on truck of not more than five tons rated capacity in such garage.

h. To interpret the provision of this ordinance in such a way as to carry out the intent and purpose of the plan as shown on the district map accompanying and made part of this ordinance.

5. The Board of Appeals shall have the power to call on any other Village Department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

6. In exercising the foregoing powers the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

C. Filing Fees

For appeals made to Board of Appeals a fee of \$125.00 will be charged. This fee will compensate the members who are serving on Board of Appeals.

SECTION XI. CHANGES AND ADMENDMENTS

The Village Board may from time to time on its own motion or on petition, amend, supplement, or change the district boundaries or the regulations wherein or subsequently establish upon giving at least ten days notice, buy publication in the official paper at least three times in the preceding 30 days, of the proposed amendment, supplement or change and of hearing thereon, to give opportunity to any person interested to be heard.

In case of protest against such change duly signed and acknowledged by the owners of 20 percent or more of the areas of land included in such proposed amendment, supplement or change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by the favorable vote of three-fourths of the members of the Village Board.

SECTION XII. ENFORCEMENT

1. It shall be the duty of the building inspector to enforce the provisions of this ordinance.

2. No building shall hereafter be erected, moved or structurally altered until a land use permit therefore shall have been applied for and issued.

3. All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building or buildings, the lines within which the building or buildings shall be erected, altered or moved, the existing or intended use of each building or part of a building, the number of families the main building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.

4. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

5. Except as otherwise provided in this ordinance the building inspector shall issue or refuse to issue a land use permit within ten days

after receipt of an application therefore. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.

Certificate of Compliance

1. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance shall have been issued by the building inspector. Such certificate shall show that the building or premises or part of thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be applied for when application is made for a land use permit and shall be issued within ten days after the completion of the work specified in such land use permit application, but only if the building or premises and the proposed use thereof conform with all requirements of this ordinance.

2. Under such rules and regulations as may be established by the Village board, the building inspector may issue a temporary certificate of compliance for part of a building.

3. Upon written request from the owner, the building inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

SECTION XIII. VIOLATIONS AND PENALTIES

Any building or structure, hereafter erected, moved or structurally altered, or any use hereafter established in violation of any of the provision of this ordinance shall be deemed an unlawful building, structure or use. The building inspector shall promptly report all such violations to the village attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provision of this ordinance may also be required upon conviction, to forfeit not less than \$10.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Douglas County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

SECTION XIV. ANNEXATION

All territory hereafter annexed to the Village of Solon Springs may, pursuant to Section 66.021 Wisconsin Statutes. Include in the annexing ordinance a provision designating temporary zoning classifications for such area; otherwise the annexed area shall retain its zoning classification in effect on the date of such annexation, and the zoning district boundaries

and regulations so established shall remain until superseded by other district boundaries and regulations for such annexed territory adopted by the Village Board.

SECTION XV. VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XVI. CONFLICTING PROVSIONS REPEALED

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION XVII. WHEN EFFECTIVE

This ordinance shall be in force from and after its passage, approval, publication and recording according to law.

SECTION XVIII. BUILDING INSPECTOR

A building inspector shall be appointed with approval of the Village Board.

SECTION X1X. BUIDLING INSPECTOR'S FEES

The building inspector's fees shall be incorporated in the "Building Permit."

8.11 SHORELAND/WETLAND ZONING ORDINANCE

Shoreland-Wetland Zoning Ordinance for the Village of Solon Springs.

1.0 Statutory Authorization, Findings of Fact, Statement of Purpose and Title

1.1 Statutory Authorization

This ordinance is adopted pursuant to the authorization in sections 61.35 and 61.351 for villages or 62.23 and 62.231 for cities and 87.30 and 144.26, Wis. Stats.

1.2 Finding of Fact and Purpose

Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

(1) Promote the public health, safety, convenience and general welfare;

(2) Maintain the storm and flood water storage capacity of wetlands;

(3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;

(5) Prohibit certain uses detrimental to the shoreland

(6) wetland area; and

(7) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

2.0 General Provisions

2.1 Compliance

The use of wetlands and the alteration of wetlands within the shoreland areas of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see section 4.0 of this ordinance, for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.

2.2 Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin

Department of Transportation are exempt when section 30.12(4)(a), Wis. Stats., applies.

2.3 Abrogation and Greater Restrictions

2.31 This ordinance supersedes all the provisions o of any municipal zoning ordinance enacted under section 61.35, 62.23 or 87.30, Wis. Stats., which relate to floodplains and shoreland –wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the granter restrictions, but not otherwise.

2.32 This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

2.4 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chapter NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 1`17 standards in

effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

2.5 Severability

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

2.6 Annexed Areas

The Douglas County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality official zoning map. The Douglas County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.

3.0 Shoreland-Wetland Zoning District

3.1 Shoreland-Wetland Zoning Maps

The following maps are hereby adopted and made part of this ordinance and are on file in the office of the municipal clerk:

(1) Wisconsin wetland inventory maps stamped "Final" on December 14, 1968.

(2) Floodplain zoning maps titled Flood Boundary and Floodway Map and dated August 15, 1978.

(3) United States Geological Survey maps dated 1982.

3.2 District Boundaries

3.21 The Shoreland-wetland zoning district includes all wetlands in the municipality which are five contiguous acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this ordinance and which are:

(1) Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.

(2) Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance. Floodplain zoning maps adopted in section 3.1(2) shall be used to determine the extent of floodplain areas.

3.22 Determinations of navigability and ordinary high water mark location shall initially be made by the zoning administrator. When questions arise the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high water mark.

3.23 When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contract the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in section 3.24 and 3.25, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

3.24 Filled Wetlands

Wetlands which are filled prior to 12/14/88, the date on which the municipality received final wetland inventory maps. In a manner which affects there wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.

3.25 Wetlands Landward or a Bulkhead Line

Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under S. 30.11, Stats. Are not subject to this ordinance.

3.3 Permitted Uses

The following uses are permitted subject to the provision of chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable.

3.31 Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

- (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
- (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
- (4) The pasturing of livestock;
- (5) The cultivation of agricultural crops; and
- (6) The construction and maintenance of duck blinds.

3.32 Uses which do not require the issuance of a zoning permit

and which may involve wetland alterations only to the extent specifically provided below:

(1) the practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

(2) the cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

(3) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

(4) the construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

(5) The construction and maintenance of piers, docks, walkway, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such contraction or maintenance;

(6) the installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in section 6.13 of this ordinance; and

(7) The maintenance, repair, replacement and reconstruction of existing highway and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

3.33 Uses which are allowed upon the issuance of a Zoning permit and which may include wetland alterations only to the extent specifically provided below:

(1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under section 3.3, of this ordinance, provided that:

(a) the road cannot, as a practical matter, be located outside the wetland;

(b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section 6.13 of this ordinance;

(c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

(d) Road construction activities are carried out in the immediate area of the roadbed only; and

(e) Any wetland alteration must be necessary for the construction or maintenance of the road.

(2) The construction and maintenance of nonresidential buildings provided that:

(a) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;

(b) The building cannot, as a practical matter, be located outside the wetland;

(c) The building does not exceed 500 square feet in floor area; and

(d) Only limited filling and excavating necessary to provide structural support for the building is allowed.

(3) the establishment and development of public and private parks and recreation area, outdoor education areas, historic, natural and scientific area, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

(a) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

(b) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

(c) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in section 3.33 (1) of this ordinance; and

(d) Wetland alterations in game refuges and closed area, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

(a) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

(b) Only limited filling or excavating necessary for such construction or maintenance is allowed; and

(c) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section 6.13 of this ordinance.

3.4 Prohibited Uses

3.41 Any use not listed in Section 3.3 of this ordinance is prohibited unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 6.0 of this ordinance.

3.42 The use of a boat house for human habitation and the construction or placement of a boat house or fixed house boat below the ordinary high water mark of any navigable waters are prohibited.

4.0 Nonconforming Structures and Uses

4.1 The lawful use of a building, structure or property which existed at the time of this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions.

4.2 The shoreland-wetland provision of this ordinance authorized by s. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental controlled facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to s. 62.23 (7) (h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.

4.3 If a nonconforming use or the use of a nonconforming structure is discontinued for twelve consecutive months, any future use of the building, structure or property shall conform to this ordinance.

4.4 Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under sections 61.351 or t2.231, Wis. Stats., may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.

4.5 The maintenance and repair of nonconforming boat houses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.

4.6 Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

5.0 Administrative Provisions

5.1 Zoning Administrator

The Village Board is appointed zoning administrator for the purpose of administering and enforcing this ordinance.

5.11 Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.

5.12 Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.

5.13 Keep records of all permits issued, inspections made, work approved and other official actions.

5.14 Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.

5.15 Submit copies of decision on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate district office of the Department.

5.16 Investigate and report violations of this ordinance to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney.

5.2 Zoning Permits

5.21 When required

Unless another section of this ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new development, as defined in section 8.2(6) of this ordinance, or any change in the use of an existing building or structure is initiated.

5.22 Application

An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the municipality and shall include, for

the purpose of proper enforcement of these regulations, the following information:

(1) General Information

(a) Name, address, and telephone number of applicant, property owner and contractor, where applicable.

(b) legal description of the property and a general description of the proposed use or development.

(c) Whether or not a private water supply or sewage system is to be installed.

(2) Site Development Plan

The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

(a) Dimensions and area of the lot;

(b) Location of any structures with distances measured from the lot lines and center lines of all abutting street or highways;

(c) Description of any existing or proposed on-site sewage systems or private water supply systems;

(d) Location of the ordinary high water mark or any abutting navigable waterways;

(e) Boundaries of all wetlands;

(f) Existing and proposed topographic and drainage features and vegetative cover;

(g) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps.

(h) Location of existing or future access roads; and

(i) Specifications and dimensions for areas of proposed wetland alteration.

5.23 Expiration

All permits issued under the authority of this ordinance shall expire 12 months from the date of issuance.

5.3 Certificates of Compliance

5.31 Except where not zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator subject to the follow provisions:

(1) The certificate of compliance shall show that the building on premises or part thereof, and the proposed use thereof, conform to the provision of this ordinance.

(2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

(3) The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this ordinance.

5.32 The zoning administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.

5.33 Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

5.4 Conditional Use Permits

5.41 Application

Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the Board of Appeals following the procedures in sections 5.82, 5.83, and 5.84 of this ordinance.

5.42 Conditions

Upon consideration of the permit application and the standards

applicable to the conditional uses designed in section 3.33 of this ordinance, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance as listed in section 1.2. Such conditions may include specification for, without limitation because of specific enumeration; type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the application to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this ordinance.

5.4 Fees

The municipal governing body may, by resolution, adopt fees for the following:

- (1) Zoning permits.
- (2) Certificates of compliance.
- (3) Public hearings.
- (4) Legal notice publications.
- (5) Conditional use permits.

(6) Rezoning petitions.

5.6 Recording

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted.

5.7 Revocation

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

5.8 Board of Appeals

The city mayor or village president shall appoint a Board of Appeals under section 62.23 (7)(e), Wis. Stats., consisting of five members subject to confirmation by the municipal governing body. The Board of Appeals shall adopt rules for the conduct of its business as required by section 62.23 (7)(e)(3), Wis. Stats.

5.81 Powers and Duties

The Board of Appeals:

(1) Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

(2) Shall hear and decide applications for conditional use permits.

(3) May authorize upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:

(a) That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant;

(b) That the hardship is due to special conditions unique to the property; and is not self-created or based solely on economic gain or loss;

(c) That such variance is not contrary to the public interest as express by the purpose of this ordinance; and

(d) That such variance will not grant or increase any use of property which is prohibited in the zoning district.

5.82 Appeals to the Board

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision, or determination of the zoning administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other official whose decision is in question shall

transmit to the Board all the papers constituting at the record on the matter appealed.

5.82 Public Hearings

(1) Before making a decision on an appeal or application, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a class 2 notice under ch. 985, Stats., specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may present testimony in person, by agent or by attorney.

(2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least 10 days prior to all public hearings on issues involving shoreland-wetland zoning.

5.84 Decisions

(1) The final disposition of an appeal or application for a conditional use permit before the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the Board chairperson. Such decision shall state and specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision of determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application for a conditional use.

(2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days after the decision is issued.

6.0 Amending Shoreland-Wetland Zoning Regulations

6.1 The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of section 62.23(7)(d)(2), Wis. Stats., NR 117, Wis. Adm. Code, and the following:

6.11 A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within 5 days of the submission of the proposed amendment to the municipal planning agency.

6.12 All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class II notice as required by section 62.23(7)(d)(2), Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.

6.13 In order to insure that this ordinance will remain consistent with the shoreland protection objectives of section 144.26, Wis. Stats., the municipal governing body may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may

result in a significant adverse impact upon any of the following wetland functions:

- (1) Storm and flood water storage capacity;
- (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreland protection against erosion.
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

6.14 Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section 6.13, of this ordinance, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

6.15 The appropriate district office of the Department shall be provided with:

- (1) A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within

10 days after the submission of those recommendations to the municipal governing body.

(2) Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.

6.16 If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in sections 6.13, of this ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the Department, as required by section 6.15(2) of this ordinance. If within the 30 day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by sections 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under section 62.231(6) or 61.351(6), Wis. Stats., is completed or otherwise terminated.

7.0 Enforcement and Penalties

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm,

association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the municipal planning agency and the district attorney, corporation counsel or municipal attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to section 87.30(2), Wis. Stats.

8.0 Definitions

8.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless, otherwise specified, shall be measured horizontally.

8.2 The following terms use dint his ordinance mean:

(1) "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and

customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

(2) “Boathouse” as defined in section 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

(3) “Class 2 public notice” means publication of a public hearing notice under chapter 985, Wis. Stats., in a newspaper or circulation in the affect area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

(4) “Conditional use” means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate the planning agency designated by the municipal governing body.

(5) “Department” means the Wisconsin Department of Natural Resources.

(6) “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structure or accessory structures; the

placement of buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

(7) “Drainage system” means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(8) “Environmental control facility” means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

(9) “Fixed houseboat” as defined in section 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spud poles attached to the bed of the waterway.

(10) “Navigable waters” means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including

the Wisconsin portion of boundary waters, which are navigable under the state. Under section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under sections 61.351 or 62.221, Wis. Stats., and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agriculture use.

“Wisconsin’s Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Col, Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state through it may be dry during other seasons.”

(11) "Ordinary high water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(12) "Planning agency" means the municipal plan commission created under section 62.23(1), Wis. Stats., a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertain to planning and zoning.

(13) "Shorelands" means lands within the following distances from the ordinary high water mark of navigable waters; 1,000 feet from a lake, pond or flowage, and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(14) "Shoreland-wetland district" means the zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.

(15) "Unnecessary hardship" means that circumstance where special conditions, which were not self created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light o the purposes of this ordinance.

(16) "Variance" means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(17) "Wetlands" means those area where water is at, near or above the land surface long enough to support aquatic or hydrophilic vegetation and which have soils indicative of wet conditions.

(18) "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Adopted 3/13/1989.

8.12 FLOODPLAIN ORDINANCE

Date of Public Hearing: February 27, 2006

Date of Adoption: February 27, 2006 Regular Village Board Meeting

Date of Publication: February 6 and February 20, 2006

Substantive Changes in the 2004 Model Ordinance

- 1.5(2) FEMA Map Revision Approval
- 1.5(5) FEMA Approval For Removing Lands From Floodplain
- 1.5(12) NFIP Requirements For Annexed Areas
- 1.5(13) FEMA General Development Standards
- 2.1(3) FEMA One Foot Waiver Standard Rescinded
- 2.2 FEMA Approval For Watercourse Alterations
- 2.3 Floodplain Campground Standards Added
- 4.3(3) Accessory Structure Language Revised
- 4.3(4) & (5) Commercial And Manufacturing Language Revised

4.3(12) & (13) Mobile Recreational Vehicles Language Added
6.1(2)(a) Deck Construction Standards Added
6.1(2)(d) Language Concerning Elevation Of Nonconforming Structures
6.1(2)(e)1 Substantial Damage Criteria Language Added
6.1(2)(e)2 Exemption For Non-Flood Damaged Structures Added
6.1(2)(f) Historic Structure Language Added
7.1(1)(bm) Substantial Damage Assessments – Community Responsibility.
7.1(1)(c)4 Substantial Damage Assessments – Records Maintenance
7.1(1)(d)3 Substantial Damage Assessments – Reporting to DNR
7.3(4)(b) FEMA Variance Criteria Added
7.3(4)(c) Variance Prohibition On Floors Below RFE Deleted
8.1(6) FEMA Approval For Channel Relocations/Map Changes
10.0(2) Accessory Structure Definition Modified
10.0(8) Camping Unit Definition Added
10.0(12) Deck Definition Added
10.0(14) Development Definition Modified
10.0(20) FIRM Definition Added
10.0(41) Manufactured Home Definition Modified
10.0(42) Mobile Recreational Vehicle Definition Added
10.0(45) New Construction Definition Added
10.0(55) Reasonably Safe From Flooding Definition Added
10.0(56) Regional Flood Definition Modified
10.0(57) Start Of Construction Definition Added
10.0(59) Subdivision Definition Added
10.0(60) Substantial Damage Definition Added/Substantial Improvement Deleted
10.0(63) Violation Definition Added

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Solon Springs, Douglas County, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be

derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Village of Solon Springs Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk, of the Village of Solon Springs. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS :

Flood Insurance Rate Map (FIRM), panel number **550115 0005 B**, dated August 15, 1978; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 1978;

- (a) Flood Boundary and Floodway Map (FBFW), panel number **550115 0005 B**, dated August 15, 1978;

Approved by: The DNR and FEMA

OFFICIAL MAPS:

- (a) Floodplain Study Appendix: All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix on pages 32 and 33 of this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

(3) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 8.1 (6).

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Douglas County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of

administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) GENERAL DEVELOPMENT STANDARDS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

- (1) Except as allowed in par. (3) below, no floodplain development shall:
 - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (b) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional

flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.

- (3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.0.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 8.0.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health and Family Services.
- (2) A land use permit for the campground is issued by the zoning administrator.
- (3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (6) Only camping units are allowed.
- (7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s. 4.0 for the floodplain district in which the structure is located.
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation

when a flood warning is issued.

- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1:
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
 - (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).

- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

(1) GENERAL

- (a) Any development in floodway areas shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
 - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.

(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) The structure is not designed for human habitation and does not have a high flood damage potential.
- (b) It must be anchored to resist flotation, collapse, and lateral movement;
- (c) Mechanical and utility equipment must be elevated or flood proofed to or above the regional flood elevation;

- (d) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood; and

(3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 2.1.

(4) **FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

S. 2.1 shall apply in addition to the following requirements according to the use requested.

(1) RESIDENTIAL USES

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

- (a) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).
- (d) In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - 1. The municipality has written assurance from law enforcement, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - 2. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(2) ACCESSORY STRUCTURES OR USES

- (a) Except as provided in par.(b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
- (b) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Sections 3.3 (2) (a),(b),(c) and (d) and 4.3 (6) below.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 4.3(1). Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 7.5. Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed in compliance with s. 7.5 to the flood protection elevation;
- (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All on-site sewage disposal systems shall be flood proofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(8) WELLS

All wells shall be flood proofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse or move laterally during a flood
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)

5.1 APPLICABILITY

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate data is available.

5.2 PERMITTED USES

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within a floodway or flood fringe area.

Those uses permitted in floodway (s. 3.2) and flood fringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to flood fringe areas. The rest of this ordinance applies to either district.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (a) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

- (c) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (d) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (3) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2)(c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water

supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e) 1. Except as provided in subsection 2, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total

cost to restore the structure to its pre-damaged condition exceeds 50% of the structure's present equalized assessed value.

2. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60, or under the regulations promulgated there under.

(f) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and flood proofing methods that comply with s. 7.5 are used.

6.2 FLOODWAY AREAS

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Will not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be flood proofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation;
 - (e) Mechanical and utility equipment must be elevated or flood proofed to or above the regional flood elevation;
 - (f) It must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood; and
 - (g) Its use must be limited to parking and/or limited storage.

- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE AREAS

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 4.3, except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;

- (c) Public facilities, such as water or sewer, will not be installed;
 - (d) Flood depths will not exceed two feet;
 - (e) Flood velocities will not exceed two feet per second; and
 - (f) The structure will not be used for storage of materials as described in s. 4.3(6).
- (3) If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe, if the addition:
- (a) Meets all other regulations and will be granted by permit or variance;
 - (b) Does not exceed 60 square feet in area; and
 - (c) In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.
- (4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

- (1) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
 - (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (b) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
 - (bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - (c) Keep records of all official actions such as:
 1. All permits issued, inspections made, and work approved;
 2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 4. All substantial damage assessment reports for floodplain structures.
 - (d) Submit copies of the following items to the Department Regional office:
 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 2. Copies of any case-by-case analyses, and any other information required by the Department including an

annual summary of the number and types of floodplain zoning actions taken.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

Note: Information on conducting substantial damage assessments is available on the DNR website – <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>

- (e) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (f) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary high water mark of any abutting navigable waterways;

3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
8. Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
 - a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 - b. A map showing location and details of vehicular access to lands outside the floodplain; and

- c. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire one year (1) after issuance.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and flood proofing elevations are in compliance with the permit issued. Flood proofing measures also require certification by a registered professional engineer or architect that flood proofing measures meet the requirements of s. 7.5.

(4) OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

- (1) The Village Board of the Village of Solon Springs shall be or,
 - (a) oversee the functions of the office of the zoning administrator; and
 - (b) review and advise the Governing body on all proposed amendments to this ordinance, maps and text.
- (2) This zoning agency shall not
 - (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
 - (b) amend the text or zoning maps in place of official action by the Governing body.

7.3 BOARD OF ADJUSTMENT/APPEALS

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:
 - a. Fix a reasonable time for the hearing;
 - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
2. Hearing - Any party may appear in person or by agent. The board shall:
 - a. Resolve boundary disputes according to s. 7.3(3).
 - b. Decide variance applications according to s. 7.3(4).
 - c. Decide appeals of permit denials according to s. 7.4.

- (c) **DECISION:** The final decision regarding the appeal or variance application shall:
1. Be made within a reasonable time;
 2. Be sent to the Department Regional office within 10 days of the decision;
 3. Be a written determination signed by the chairman or secretary of the Board;
 4. State the specific facts which are the basis for the Board's decision;
 5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) **BOUNDARY DISPUTES**

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (b) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest; and
 - 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - 1. The variance may not cause any increase in the regional flood elevation;
 - 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (c) A variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district.

2. Be granted for a hardship based solely on an economic gain or loss.
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area.
 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.1.
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in s. 7.1(2).
 - (b) Floodway/flood fringe determination data in s. 5.4.
 - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator.
 - (d) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 7.3;
 - (b) Consider zoning agency recommendations; and
 - (c) Either uphold the denial or grant the appeal.

- (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

7.5 FLOODPROOFING

- (1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (2) Floodproofing measures shall be designed to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement; and
 - (d) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (2) Floodproofing measures could include:
 - (a) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or
 - (b) Adding mass or weight to prevent flotation.

- (c) Placing essential utilities above the flood protection elevation.
- (d) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
- (e) Constructing water supply wells and waster treatment systems to prevent the entry of flood waters.
- (f) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) All real estate transfers should show what floodplain zoning district any real property is in.

8.0 AMENDMENTS

8.1 GENERAL

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

- (5) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by ss. 5.4 and 7.1(2).

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- (4) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 1.5(4).)

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$ 10.00 and not more than \$ 500.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) "ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- 3) "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 4) "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 5) "BUILDING" - See STRUCTURE.
- 6) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the

Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

- 7) "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 8) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- 9) "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 10) "CHANNEL" – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 11) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 12) "DECK" – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- 13) "DEPARTMENT" - The Wisconsin Department of Natural Resources.
- 14) "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or

equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

- 15) "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 16) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.
- 17) "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads
- 18) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 19) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.
- 20) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 21) "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - ✓ The overflow or rise of inland waters,
 - ✓ The rapid accumulation or runoff of surface waters from any source,
 - ✓ The inundation caused by waves or currents of water exceeding

anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or

- ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 22) "FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 23) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 24) "FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 25) "FLOOD INSURANCE STUDY" - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 26) "FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

27) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

28) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

29) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

30) "FLOOD PROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

31) "FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

32) "FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

33) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

34) "FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

35) "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.

36) "HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

37) "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

38) "HISTORIC STRUCTURE" - Any structure that is either:

- ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

39) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

40) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

41) "MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

42) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towed by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

43) "MUNICIPALITY" or "MUNICIPAL" - The Village of Solon Springs, being the governmental unit enacting, administering and enforcing this zoning ordinance.

44) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.

45) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

46) "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe

district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

47) "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

48) "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

49) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

50) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.

51) "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

52) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

53) "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

54) "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

55) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the

special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

56) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

57) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

58) "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

59) "SUBDIVISION" - Has the meaning given in s. 236.02(12), Wis. Stats.

60) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

61) "UNNECESSARY HARDSHIP" - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

62) "VARIANCE" - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

63) "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

64) "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.

65) "WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

66) "WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

8.13 AN ORDINANCE REQUIRING A PERMIT FOR GRADE AND EXCAVATION WORK ON PRIVATE PROPERTY LOCATED IN THE VILLAGE OF SOLON SPRINGS

The Village Board of Solon Springs do ordain as follows:

SECTION 1: A grade/excavation permit is required if the project is:

1. An excavation that, 1) more than two feet in depth or 2) creates a cut slope greater than five feet in height and is steeper than one unit vertical in 1 ½ unit's horizontal.

2. A fill more than one foot in depth and placed on a natural terrain with a slope steeper than one unit vertical in five units horizontal.
3. A fill is more than three feet in depth.
4. A fill intended to support structures.
5. A fill that exceeds 20 cubic yards on any lot.
6. The fill obstructs a drainage course.
7. Grading in an area that may create danger to private or public property.
8. If changes to the topography and landscaping are to be completed prior to the review and issuance of zoning or building permits.

SECTION 2: A grade/excavation permit will not be required if the grade work, excavation work, landscape project or weed abatement project is authorized by a valid building or zoning permit.

SECTION 3: A grade/excavation permit will be issued for no fee, upon inspection by a Village Official of the site and approval by the Village Board.

SECTION 4: Any property owner and/or contractor found to be in violation of this ordinance may be subject to penalties as set forth in Chapter 10 of the Village of Solon Springs Code of Ordinances.

8.14 AN ORDINANCE REGULATING THE USE OF AND SALE OF LAWN FERTILIZERS

SECTION: 8.14 is hereby created as follows:

USE AND SALE OF LAWN FERTILIZERS

(1) Purpose and Intent. The Village of Solon Springs Board of Trustees finds that Lake St. Croix and Village streams are natural assets, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The Board further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer entering the lakes and streams will improve and maintain lake water quality.

(2) Applicability. This ordinance applies in all areas of the Village of Solon Springs.

(3) Definitions.

Lawn Fertilizer means any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for non-agriculture use, such as for lawns, golf courses, parks and cemeteries.

(4) Regulation of the Use and Application of Lawn Fertilizer.

a. Effective October 1, 2007, no person shall apply any lawn fertilizer within the Village of Solon Springs that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except as provided in subsection (5) below.

b. No lawn fertilizer shall be applied when the ground is frozen.

c. No person shall apply fertilizer to any impervious surface including parking lots, roadways, and driveways. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

(5) Exemptions. The prohibition against the use of fertilizer under subsection (4) shall not apply to:

a. Newly established turf or lawn areas during their first growing seasons.

b. Turf or lawn area that soil tests, performed within the past three years by a state certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluations.

c. Agricultural uses, vegetables and flower gardens, or application to trees or shrubs.

d. Yard waste compost, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(6) Sale of Fertilizer Containing Phosphorus

a. Effective October 1, 2007, no person shall sell, display, or offer for sale any lawn fertilizer within the Village of Solon Springs that is labeled as containing more than 0% phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in subsection (5).

(7) Enforcement and Penalties.

Any person who violates any provision of this section shall be subject to penalties as stated in Chapter 10, Ordinance 10.02 of the Village of Solon Springs Code of Ordinances.

SECTION 2: If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

SECTION 3: This ordinance shall take affect and be in full force from and after its passage and publication and posting.

Adopted September 24, 2007.

8.15 ORDINANCE CREATING A PLAN COMMISSION

This ordinance will create a Village Plan Commission as defined herein and as established in Wis. Stats. 62.23(1).

The Village Board of the Village of Solon Springs herby ordain as follows:

Section 1: Purpose

The purpose of this ordinance is to establish a Village of Solon Springs Planning 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 Village and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

Section 2: Authority; Establishment

The Village Board hereby exercises its village powers and establishes a seven-member Plan Commission under Wis. Stats. 61.35 and 62.23.

Section 3: Membership

The Plan Commission shall consist of seven members at all times. There will always be at least three citizen members who are not Village Officials, the other members will be Village elected or appointed officials.

Section 4: Appointments

The Village President shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson. The Village President may appoint himself or herself or another Village Board member to the Plan Commission and may designate himself or herself, the other Village Board member or a citizen member as Chairperson of the Plan Commission. In a year in which any Village Board member is elected at the spring election, any appointment or designation by the Village President shall be made after the election of the Village Trustee members. Any citizen appointed to the Plan Commission shall take and file the oath of office within five days of notice of appointment as provided under Wis. Stats. 19.01.

Section 5: Terms of Office

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

Section 6: Vacancies

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

Section 7: Compensation; Expenses

The Village Board of the Village of Solon Springs may set a per diem allowance, as from time to time amended by the Village Board, per meeting for citizens and Village Board Members of the Plan Commission, as allowed under Wis. Stats. 66.0501(2). In addition, the Village Board may reimburse reasonable costs and expenses.

Section 8: Rules and Records

The Plan Commission under Wis. Stats. 62.23(2) may adopt rules for the transaction of its business, subject to Village Ordinances and shall keep a record and will provided copies to the Village Board, of its resolutions, transactions, findings and determinations which shall be public record under Wis. Stats. 19.21-19.39.

Section 9: Chairperson and officers

- a. *Chairperson.* The Plan Commission Chairperson shall be appointed and serve a term as provided in section 5 and 6 of this Ordinance. The Chairperson shall, subject to Village ordinance and Commission rules;
 1. Provide leadership to the Commission; and
 2. Set Commission meeting and hearing dates; and
 3. Provide notice of Commission meetings and hearings and set their agendas; and
 4. Preside at Commission meetings and hearings;
 5. Ensure that all laws are followed.
- b. *Vice Chairperson.* The Plan Commission may elect, by open vote or secret ballot under Wis. Stats. 19.88(1), a Vice Chairperson to act in the place o the Chairperson when the Chairperson is absent or incapacitated for any cause.
- c. *Secretary.* The Plan Commission may elect one of its members To serve as secretary, or with the approval from the Village Board, designate the Village Clerk as Secretary.

Section 10: 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, Wis. Stats. 19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records 19.21-19.39; Code of Ethics for Local Government Officials; 19.42, 19.58 and 19.59; Open Meetings, 19.81-19.89; Misconduct in Office 946.12; and Private Interests in Public Contracts 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Section 11: General and Miscellaneous Powers

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

- a. Necessary to enable it to perform its functions and promote Village planning.
- b. To make reports and recommendations relating to the plan and development of the Village to the Village Board, other public bodies, citizens, public utilities and organizations.
- c. To recommend to the Village Board programs for public improvements and the financing of such improvements.
- d. To receive from public officials, within a reasonable time, requested available information 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 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 Wis. Stats. 66.0119, or other court-issued warrant.

Section 12: Village Comprehensive Planning: General Authority and Requirements

- a. The Plan Commission shall make and adopt a comprehensive plan under Wis. Stats. 62.23 and 66.1001, which contains the elements specified in Wis. Stats. 66.1001(2) and follows the procedures in Wis. Stats. 66.1001(4).

- b. The Plan Commission shall make and adopt the comprehensive plan with the time period directed by the Village, but not later than a time sufficient to allow the Village board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Village comprehensive plan is in effect by the date on which any Village program or action affecting land use must be consistent with Village comprehensive plan under Wis. Stats. 66.1001(3).
- 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 Village by the Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, and advisory committee or any other person, group or organization.

Section 13: Procedure for Plan Commission Adoption and Recommendation of Village Comprehensive Plan or Amendment

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

- a. *Resolution.* The Plan Commission under Wis. Stats. 66.1001(4)(b), shall recommend its proposed comprehensive plan or amendment to the Village Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met under Wis. Stats. 66.1001, namely that:
 - 1. The plan contains the nine (9) specified elements and meets the requirements of those elements;
 - 2. The (specified) maps and (specified) other descriptive materials relate to the plan;
 - 3. 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
 - 4. 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 Wis. Stats. 66.1001(4) and this Ordinance.

- b. *Transmittal.* One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:
1. Every governmental body that is located in whole or in part within the boundaries of the Village, including any school district, sewer district, public inland lake protection and rehabilitation district or other special district.
 2. The clerk of every village, town, county and regional planning commission that is adjacent to the Village.
 3. The Wisconsin Land Council.
 4. The Wisconsin Department of Administration.
 5. The regional planning commission in which the Village is located.
 6. The public library that serves the area in which the Village is located.

Section 14: Comprehensive Plan

The Comprehensive Plan that is adopted by the Village of Solon Springs as it exists, and from time to time be amended, shall be an aid and a guide to the Plan Commission and the Village Board in the performance of their duties in the further development of the Village. (Wis. Stats. 66.0213)

Section 15: Plan Implementation and Administration

- a. *Ordinance Development.* If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following:
1. Zoning. A proposed Village zoning ordinance under village powers, Wis. Stats. 61.35 and 62.23(7), a Village construction site erosion control and storm water management zoning ordinance, a Village exclusive agricultural zoning ordinance under subchapter V of Chapter 91, Wis. Stats. And any other zoning ordinance within the Village's authority.
 2. Official Map. A proposed official map ordinance under Wis. Stats. 62.23(6).
 3. Subdivisions. A proposed Village subdivision or other land division ordinance under Wis. Stats. 236.45.
 4. Other. Any other ordinance specified by the Village Board, (Note: e.g., historic preservation, design review, site plan review).
- b. *Ordinance Amendment.* The Plan Commission, on its own motion, or at the direction of the Village board by its resolution or motion, may prepare proposed amendments to the Village's ordinance relating to comprehensive planning and land use.

- c. *Non-regulatory Programs.* The Plan Commission, on its own motion, or at the direction of the Village 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 the natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- d. *Subdivision Review.* Proposed plat under Chapter 236, Wis. Stats. And proposed subdivisions or other land divisions under the Village subdivision ordinance under Wis. Stats. 236.45, shall be referred to the Plan Commission for review and recommendation to the Village Board.
- e. *Consistency.* Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's comprehensive plan under Wis. Stats. 62.23 and 66.1001 shall be consistent with the plan as of January 1, 2010.
- f. *Referrals to the Plan Commission.* Required referrals under Wis. Stats. 62.23(5). The following shall be referred to the Plan Commission for report:
 - 1. The location and architectural design of any public building and site plan review (for commercial, industrial and multifamily districts).
 - 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 street, alley or other public way; park or playground; airport; area for parking vehicles; and 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 Village's jurisdiction under Wis. Stats. Ch. 236, including divisions under a Village subdivision or other land division ordinance adopted under Wis. Stats. 236.45.
 - 6. The location, character and extent or acquisition. Leasing or sale of lands for: public or semi-public housing; slum clearance; or relief of congestion.
 - 7. The amendment or repeal of any ordinance adopted under Wis. Stats. 62.23, including ordinances relating to: the Village Plan Commission; the Village master plan or the

Village comprehensive plan under Wis. Stats. 66.1001, a Village official map; and Village zoning under Village powers.

g. Required Referrals Under Section of Wisconsin Statutes other than Wis. Stats. 62.23(5). The following shall be referred to the Plan Commission to report:

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

h. Required Referrals Under this Ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

1. A proposed driveway access ordinance or amendment.
2. a proposed Village official map ordinance under Wis. Stats. 62.23(6), or any other proposed Village ordinance under Wis. Stats. 62.23, not specifically required by the Wisconsin Statutes to be referred to the commission.
3. A proposed Village zoning ordinance or amendment adopted under authority separate from or supplemental to Wis. Stats. 62.23, including a Village construction site erosion control storm water management zoning ordinance

and a Village exclusive agricultural zoning ordinance under subchapter V of Chapter 91, Wis. Stats.

4. An application for a conditional use permit under the Village Zoning Ordinance.
5. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stats. 62.23 (7a).
6. a proposed boundary change pursuant to an approve cooperative plan agreement under Wis. Stats. 66.0307, or a proposed boundary under Wis. Stats. 66.0225, or other authority.
7. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stats. 66.0307(7m).
8. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.
9. Any proposed contract, for the provision of information, or the preparation an element of a plan or an implementation measure, between the Village and the regional planning commission, under Wis. Stats. 66.0309, another unit of government, a consultant or any other person or organization.
10. A proposal to create environmental remediation tax incremental financing in the Village under Wis. Stats. 66.1106.
11. Any other matter required by any Village ordinance or Village Board resolution or motion t be referred to the Plan commission for report and recommendation.

i. *Discretionary Referrals.* The Village Board, or other Village Officer or body with final approval authority or referral authorization under the village ordinances may refer any of the following to the Plan Commission for report and recommendations:

1. A proposed intergovernmental cooperation agreement, under Wis. Stats. 66.0301, or other statute, affecting land use or a municipal revenue sharing agreement.
2. A any other matter deemed advisable for referral to the plan Commission for report and recommendation.

j. *Referral Period.* No final action may be taken by the Village Board or any other officer or body with final authorize on a matter referred to the Plan Commission until the Commission has made its report or 45

days, or such longer period as stipulated by the Village Board, has passed since referral. The 45-day period for referrals required by the Wisconsin Statutes may be shorter only if so authorized by statute. The 45-day referral period, for matters subject to required or discretionary referral under the Village's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the 45-day referral period if deemed advisable.

Adopted July 27, 2009

8.16 ORDINANCE ADOPTING THE COMPREHENSIVE PLAN FOR THE VILLAGE OF SOLON SPRINGS

The Village Board of the Village of Solon Springs, Wisconsin, do ordain as follows:

SECTION 1: Pursuant to Section 62.23 and Section 61.35 of Wisconsin Statutes, the Village of Solon Springs is authorized to prepare and adopt a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2: The Village Board of the Village of Solon Springs, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan, as required by Section 66.1001(4)(a) of the Wisconsin Statutes.

SECTION 3: The Village Board of the Village of Solon Springs, with assistance from the Northwest Regional Planning Commission, (NWRPC) prepared a comprehensive plan for the Village of Solon Springs.

SECTION 4: The Plan Commission of the Village of Solon Springs, by a majority vote of the entire commission recorded in its official minutes, has approved a resolution recommending to the Village Board the adoption of the document titled "Village of Solon Springs Comprehensive Plan for 2010-2030", containing all of the elements specified in Section 66.1001(2) of the Wisconsin Statutes.

SECTION 5: The Village Board has duly noticed and held at least one public hearing on the comprehensive plan, in compliance with the requirements of Section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION 6: The Village Board of the Village of Solon Springs, does, by the enactment of this ordinance, formally adopt the document titled, "Village of Solon Springs Comprehensive Plan for 2010-2030", pursuant to Section 66.1001(4)(c) of the Wisconsin Statutes, as the Village of Solon Springs Comprehensive Plan.

SECTION 7: This ordinance shall take effect upon passage by a majority vote of the members-elect of the Village Board and publication or posting as required by law.

Adopted October 26, 2009

VILLAGE OF SOLON SPRINGS

CODE OF ORDINANCES

CHAPTER 9

VIOLATIONS

&

GENERAL PROVISIONS

9.01 CONFLICT AND SEPARABILITY

- a. If the provisions of the different chapters of this code conflict with each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
 - b. If any section, subsection, sentence, clause or phrase of this code 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 section, subsection, sentence, clause or phrase of portion thereof. The Village Board of the Village of Solon Springs hereby declares that they would have passed this code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that nay one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.
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9.02-B PENALTY PROVIONS

The Village Board of Trustees of the Village of Solon Springs does hereby ordain as follows:

Section One: That Chapter 9.02 of the Code of Ordinance be amended to read:

10.02 ENFORCEMENT OF ORDINANCES; GENERAL PENALTY AND ABATEMENT

(1) General Penalty:

Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provision of this Code, upon conviction of such violation, forfeit not less than twenty-five dollars (\$25) not more five hundred dollars (\$500), together with the cost of prosecution including applicable court costs.

(2) Abatement of Nuisances

(a) Enforcement. In addition to the penalty provided in Section 1 the Village Officials shall enforce the provisions of this code that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaints to ensure that such provisions are not violated. No action shall be taken to abate a nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

(b) Summary Abatement. If the inspecting officer determines a nuisance exists within the Village and that there is great and immediate danger to the public, health, safety, peace, morals or decency, the Village President may direct the proper officer to cause the same to be abated and charge the cost of abatement to the owner, occupant, or person causing, permitting or maintaining the nuisance, as the case may be.

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

(d) Other methods not Excluded. Nothing herein shall be construed as prohibiting the abatement of nuisances by the Village of its officials in accordance with the laws of the state.

(e) Court Order. Except when necessary under subsection (b) of this section, an officer hereunder shall not use force to obtain access to private property to abate a nuisance but shall request permission to enter upon private property if such premises is occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assign the abatement of the nuisance.

(f) Cost of Abatement. In addition to any other penalty imposed for the erection, contrivance, creation, continuance or maintenance of a nuisance the cost of abating a nuisance by the Village shall be collected as a debt from the owner, occupant, person causing, permitting or maintaining the nuisance; and if notice to abate the nuisance

has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Section Two: That this ordinance shall take effect upon its adoption and publication as required by law.

Adopted March 24, 2008.

9.3 REPEAL OF GENERAL ORDINANCES

All ordinance heretofore adopted by the Village Board of the Village of Solon Springs are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this code:

- a. The issuance of corporate bonds and notes of the Village of Solon Springs of whatever name or description.
- b. The establishment of grades, curb lines and widths of sidewalks, public streets and alleys.
- c. Easements of record.
- d. Fixing of salaries of public officials and employees.
- e. Leases or record.
- f. Naming, changing, vacation of streets, alleys, public grounds and parks.
- g. Letting of contracts without bids.
- h. Tax and special assessment levies.
- i. Construction of any public works.

j. Budget ordinances, resolutions, and actions.

k. Zoning ordinances.

9.4 EFFECT OF REPEALS

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

a. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

b. Affect any vested right, privilege, obligation or liability acquired, occurred or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Village Board.

c. Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture of penalty shall have been mitigated by the provision of any ordinance, such provisions shall apply to and control any judgment to be pronounced shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

d. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed, except that all such proceedings had after the time this code shall take effect, shall be conducted according to the provision of this code, and shall be, in all respects, subject to the provisions of this code.

9.5 TITLE, EFFECTIVE DATE, AND CITATION

These ordinances shall be known as the Municipal Code of the Village of Solon Springs, and shall take effect from and after passage and publication. All references thereto shall be cited by section number (example: s. 10.05, Municipal Code of the Village of Solon Springs).

9.6 ADDITIONS, AMENDMENTS AND REPEALS OF ORDINANCES

All general ordinances hereafter enacted by the Village Board of the Village of Solon Springs shall be numbered in chronological order, prefixed by the letter "A", and shall indicate by appropriate chapter, section or subsection number the portion of this code created, amended, repealed or revised.

9.7 CLERK TO FILE ORDINANCES, SUPPLEMENTAL SHEETS

The Village Clerk shall certify one copy of this code as the original Municipal Code of the Village of Solon Springs and shall file the same in an ordinance book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in her office at least one copy of the code in current form, in which shall be inserted all supplemental sheets representing additions, amendments, repeals and new ordinances, as hereinafter provided.

Whenever any ordinance amending, repealing, revision, or creating any section of this code is adopted by the Village Board, the Clerk, after recording such ordinance in the Ordinance Book, shall cause copies of such ordinance to be reproduced on supplemental sheets in property form for insertion in the Municipal Code, and shall insert such ordinances in all copies of this code in her possession except the aforementioned original copy. Supplemental sheets shall be made available to all persons requesting the same.

9.8 RELATING TO THE ISSUANCE OF CITATIONS FOR VIOLATIONS OF ORDINANCES

a. Pursuant to s. 66.0113, Wisconsin Statutes, the Village of Solon

Springs hereby elects to use the citation method of enforcement of ordinance other than those for which a statutory counterpart exists.

b. The CITATION shall contain the following:

1. The name and address of the alleged violator.
2. Factual allegations describing alleged violation.
3. The time and place of the offense.
4. The section of the ordinance violated.
5. A designation of the offense in such manner so as to b

readily understood by a person making a reasonable effort to do so.

6. The time at which the alleged violator may appear in court.
7. A statement which in essence informs the alleged violator:

a. That a cash deposit based on the schedule established by this ordinance may be made which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance.

b. That if a deposit is made, no appearance in court is necessary unless he/she is subsequently summoned.

c. That if a cash deposit is made and the alleged violator does not appear in court, he/she will be deemed to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding him/her to appear in court to answer the complaint.

d. That is no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.

8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under 7, above has been read. Such statement shall be sent or brought with the cash deposit.

9. Such other information as the Village deems necessary.

10. The form of the citation to be used shall be the Wisconsin Uniform Citation and Complaint.

c. Schedule of Deposits

The following schedule of cash deposit is established for use with citations issued under this ordinance:

1. Traffic offenses shall be set in compliance with the State Traffic bond schedule.

2. Misdemeanors and criminal charges shall be set according to Chapter 10 of the Village of Solon Springs Code of Ordinances. Deposits shall be made in cash, money order or certified check to the Clerk of the Circuit Court who shall provide a receipt therefore.

d. Issuance of Citation

1. Any law enforcement officer may issue citations authorized under this ordinance.

2. Village officials may issue citations with respect to those specified ordinance which are directly related to their official responsibilities.

3. Village officials may delegate their authority to issue citations to their subordinates.

e. Procedure

Section 66.0113 of the Wisconsin Statutes relating to violator's options and procedure on default, is hereby adopted and incorporated by reference.

f. Non-exclusive

1. Adoption of this ordinance does not preclude the Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

2. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

9.9 **WISCONSIN STATE TRAFFIC CODE**

The Wisconsin State Traffic Code is hereby adopted and incorporated by reference.
