

1. Agenda

Documents:

[VB-2022-01-05-AGENDA \(AGENDA\).PDF](#)

2. Meeting Materials

Documents:

[2022-01-05-VB-E-PACKET-1 \(MEETING PACKET\).PDF](#)



HERITAGE
COMMUNITY
OPPORTUNITY

VILLAGE OF MOUNT HOREB

E. Main Street
Mount Horeb, WI 53572
Phone: (608) 437-6884 Fax: (608) 437-3190
Email: mhinfo@mounthorebwi.info Web: mounthorebwi.info

THE January 5, 2022 VILLAGE BOARD MEETING WILL BE HELD IN PERSON WITH A VIRTUAL OPTION. YOU CAN WATCH THE MEETING LIVE VIA THE VILLAGE WEBSITE BY CLICKING "WATCH LIVE" UNDER THE TROLLWAY TV GRAPHIC ON THE RIGHT SIDE OF THE HOME PAGE AT WWW.MOUNTHOREBWI.INFO. THE MEETING IS ALSO BROADCAST LIVE ON MHTC CHANNEL 181 AND CHARTER CHANNEL 981. YOU CAN ALSO JOIN THE MEETING USING:

Join the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/715626877>

OR, Dial in using your phone: 1(571)317-3122, Access Code: 715-626-877

VILLAGE BOARD WEDNESDAY, JANUARY 5, 2022

The Village Board of the Village of Mount Horeb will meet on the above date at 7:00pm in the Board Room of the Municipal Building, 138 E. Main Street, Mount Horeb, WI. Agenda as follows:

- 1) Call to order
Pledge of Allegiance
Roll call
- 2) Public Comments – non-agenda items
- 3) Consent Agenda
 - a. December 1, 2021 meeting minutes
 - b. Alcohol License: Dog House Bar & Grill, 117 S. 1st Street
 - c. Appointment of Agent: Nathan Faust, Dog House Bar & Grill, 117 S. 1st Street
 - d. Appointment of 2022-2023 Election Officials
 - e. Consider Ordinance 2022-01, "AN ORDINANCE TO ADD SECTION 15.08 LEAD WATER SERVICE LINE REPLACEMENT TO PLUMBING CODE OF THE CODE OF ORDINANCES"
 - f. Consider Resolution 2022-01, "A RESOLUTION AUTHORIZING EXECUTION OF THE DEPARTMENT OF NATURAL RESOURCES PRINCIPAL FORGIVEN FINANCIAL ASSISTANCE AGREEMENT"
- 4) Recognition of Officer Retirements by Police Chief Doug Vierck:
 - a. Officer Jeff Loud, 40 years of service
 - b. Officer Jon Orcutt, 24 years of service
- 5) Committee reports:
 - a) Mount Horeb Area Chamber of Commerce
 - b) Community Development Authority
 - c) Mount Horeb Area Joint Fire Department
 - d) Library Board
 - e) School Liaison
 - f) Parks, Recreation, and Forestry Commission
 - g) Plan Commission
 - h) Public Works Committee
 - i) Public Safety Committee
 - j) Finance/Personnel

- k) Utility Commission
- l) Tourism Commission

- 6) Village President's report
- 7) Village Administrator's report
- 8) Village Clerk's report
- 9) Meeting adjournment.

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR INFORMATION OR TO REQUEST THIS SERVICE, CONTACT ALYSSA GAFFNEY, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-9404.



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**VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
DECEMBER 1, 2021**

The Village Board met in regular session in-person, with a virtual option due to the COVID-19 pandemic.

Call to Order/Roll Call: Village President Randy Littel called the meeting to order at 7:00pm. Present were Trustees Halverson, Czyzewski, Fendrick, Boehnen, Monroe, and Scott. Also present were Administrator Nic Owen, Village Clerk Alyssa Gaffney, and Youth-In-Government Student Delaney Mertz.

Public Comments: There were no comments from the public.

Consent Agenda: Czyzewski requested that item b.) November 3, 2021 Village Board meeting minutes, be pulled from the consent agenda. Czyzewski moved, Fendrick seconded to approve the remaining items on the consent agenda: October 27, 2021 Joint Village Board & Plan Commission meeting minutes; November 17, 2021 Village Board Special meeting minutes; Alcohol License for Kwik Trip, 9255 Ridgeview Road; Appointment of Agent: Scott Oomens, Kwik Trip 9255 Ridgeview Road; and Appointment of 2022-2023 Election Officials. Motion carried by unanimous voice vote. Czyzewski explained a clerical error that needed to be fixed for item b. Czyzewski moved, Monroe seconded to approve the correction for item b. Motion carried by unanimous voice vote.

Recognition of Officer Accomplishments by Police Chief Doug Vierck: Chief Vierck congratulated and recognized Officer Jonathan Molburg and Officer Cory Rehfeldt on the Completion of their Probation Period, and also Officer Rehfeldt on his promotion to Sergeant. Vierck presented both officers their appropriate badges.

Consider Resolution 2021-23 "Supporting Creation of a Non-Partisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans": Czyzewski explained this item. Multiple village residents spoke or registered in support of the resolution. Ken Scott, Tim White, Mark Rooney, and Phil Leavenworth spoke in support of the resolution. Pat Leavenworth, Sondy Pope, Jennifer Gottwald, Kay Rhode, Karen Lund, and Carolyn White registered in support. The board had a lengthy discussion and voiced their opinions on the subject matter. Fendrick moved, Czyzewski seconded to approve the resolution with two amendments: 1) removing the 3rd paragraph of the resolution, and 2) removing "insists" and replacing it with "requests" in the "NOW THEREFORE BE IT RESOLVED" paragraph. Monroe, Fendrick, Halverson, and Czyzewski voted aye. Littel, Scott, and Boehnen voted nay. Motion carried by roll call vote.

Consider Application for Wisconsin Economic Development Corporation Community Investment Grant for Artemis Provisions: Kingsley and Melissa Gobourne explained their business plan. Scott moved, Monroe seconded to approve the application. Motion carried by unanimous voice vote.

Consider approval of Conditional Use Permit for Children's Community School at Cox Drive and Springdale Street: Owen explained this item. Czyzewski moved, Fendrick seconded to approve the Conditional Use Permit. Halverson recused himself from the vote, due to a conflict of interest. Motion carried by voice vote.

Consider approval of Conditional Use Permit for Chad Wuebben/Encore Homes 55+ Development on Lillehammer Lane: Owen explained this item. Fendrick moved, Monroe seconded to approve the Conditional Use Permit. Motion carried by unanimous voice vote.

Consider Zoning Ordinance Amendment for the Group Development to create Village Zoning Ordinance 17.63 & 17.451: Owen explained this item. Czyzewski moved, Scott seconded to approve the amendment. Motion carried by unanimous voice vote.

Committee reports: All committee reports were given, with no action taken.

Village President's report: Littel stated that Kwik Trip is coming along well, and the ribbon cutting will be on December 30th. He also added that alternate side winter parking is now in effect.

Village Administrator's report: Owen stated that he will be looking into the infrastructure bill to find out how much the village will be receiving.

Village Clerk's report: Gaffney reported that nomination papers are now available starting today, to get your name on the ballot for the Spring Election.

Consider TIF Assistance Request by Artemis Provisions-213 & 215 East Main Street. The Village Board may convene in closed session as authorized by Wisconsin Statute 19.85(1)(e) for the purpose of deliberating or negotiating the investing of public funds or conducting other specified business, whenever competitive or bargaining reasons require a closed session. The Village Board may reconvene in open session and discuss and take action on the subject matter discussed in closed session: Kingsley and Melissa Gobourne explained their financial plan. Czyzewski moved, Monroe seconded to convene to closed session at 8:46pm. Motion carried by roll call vote. The board did not come out of closed session for discussion, and no action was taken.

Consider Letter of Intent for purchase of Village Property (Former Fire Station Lot). The Village Board may convene in closed session as authorized by Wisconsin Statute 19.85(1)(e) for the purpose of deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Village Board may reconvene in open session and discuss and take action on the subject matter discussed in closed session: Czyzewski moved, Fendrick seconded to convene to closed session at 8:46pm. Motion carried by roll call vote. The board did not come out of closed session for discussion, and no action was taken.

Consider ATC offer for easement of Wastewater property. The Village Board may convene in closed session as authorized by Wisconsin Statute 19.85(1)(e) for the purpose of deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Village Board may reconvene in open session and discuss and take action on the subject matter discussed in closed session: Scott moved, Monroe seconded to convene to closed session at 8:47pm. Motion carried by roll call vote. The board did not come out of closed session for discussion, and no action was taken.

Adjournment: Monroe moved, Scott seconded to adjourn the meeting at 9:50pm, while in closed session. Motion carried by unanimous voice vote.

Minutes by Alyssa Gaffney, Village Clerk

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 01/05/22 ending: 01/30/22
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of } MOUNT HOREB
☒ Village of }
☐ City of }

County of DANE Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number <u>456-1030839050-04</u>	
FEIN Number <u>32-0669688</u>	
TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	\$
☒ Class B beer	\$ <u>50.00</u>
☐ Class C wine	\$
☐ Class A liquor	\$
☐ Class A liquor (cider only)	\$ N/A
☒ Class B liquor	\$ <u>250.00</u>
☐ Reserve Class B liquor	\$
☐ Class B (wine only) winery	\$
Publication fee	\$ <u>20.00</u>
TOTAL FEE	\$ <u>320.00</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
FAUST NATHAN ORION DOG HOUSE BAR & GRILL LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>FAUST</u>	<u>NATHAN</u>	<u>ORION</u>	<u>4278 COUNTY ROAD P, CROSS PLAINS, WI 53528</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name DOG HOUSE BAR & GRILL Business Phone Number 608-437-7725
2. Address of Premises 117 S. FIRST STREET Post Office & Zip Code MOUNT HOREB, WI 53572

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

35'x59' UP & DOWN STAIRS - 85'x70' OUTSIDE DECK/PATIO.
AND FENCED IN AREA.

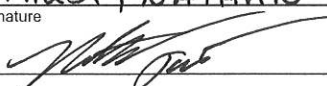
4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No

(b) If yes, under what name was license issued? FIREHOUSE BAR & GRILL

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** ☐ Yes ☒ No
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** ☐ Yes ☒ No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 11-03-21 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** ☐ Yes ☒ No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** ☐ Yes ☒ No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ☒ Yes ☐ No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) FAUST, NATHAN O.	Title/Member PRESIDENT	Date 11-16-2021
Signature 	Phone Number 608-712-9080	Email Address n8faust@gmail.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 12/20/21	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town
☒ Village of MOUNT HOREB County of DAVE
☐ City

The undersigned duly authorized officer/member/manager of DOG HOUSE BAR & GRILL
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

DOG HOUSE BAR & GRILL
(Trade Name)

located at 117 S. FIRST STREET, MOUNT HOREB, WI 53572

appoints NATHAN FAUST
(Name of Appointed Agent)
4278 COUNTY ROAD P, CROSS PLAINS, WI 53528
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☒ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 43 YEARS

Place of residence last year 4278 COUNTY ROAD P, CROSS PLAINS, WI 53528

For: DOG HOUSE BAR & GRILL
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, NATHAN FAUST, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 11.01.2021 Agent's age 43
(Signature of Agent) (Date)
4278 COUNTY ROAD P, CROSS PLAINS, WI 53528 Date of birth 05.26.78
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 12.29.2021 by [Signature] Title Police Chief
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

ELECTION OFFICIALS 2022-2023 (2nd list)

SANDY	HUFTON
STEVE	HUFTON
JUDITH	LANGTON
THERESA	LANGTON-GREWIN
AMY	AAGAARD
MATT	POCERNICH

**VILLAGE OF MOUNT HOREB
ORDINANCE 2022-01**

**AN ORDINANCE TO ADD SECTION 15.08 LEAD WATER SERVICE LINE REPLACEMENT
TO PLUMBING CODE OF THE CODE OF ORDINANCES**

Purpose. The common council of the Village of Mount Horeb finds that it is in the public interest for the water utility to maintain a comprehensive program for the removal and replacement of lead pipe water service lines in use or may be used in the Village of Mount Horeb and connected to the public water utility's distribution system. This section sets forth the program requirements and declares the purposes of the section to be as follows:

- (1) To ensure that the water quality at every tap meets the water quality standards specified under the Federal Safe Drinking Water Act; and
- (2) To reduce the lead in drinking water to meet U.S. Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero, as possible; and
- (3) To meet the Wisconsin Department of Natural Resources (WDNR) requirements for local compliance with the federal EPA Lead and Copper Rule; and
- (4) To not unnecessarily add chemical treatment to the water supply to meet EPA standards and meet WDNR requirements; and
- (5) To effect the replacement of lead and galvanized service lines.

(b) Definitions.

Lead and Copper Rule means the rule created by the EPA and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum contaminant level goals and national primary drinking water regulations (NPDWR) for controlling lead and copper in drinking water. NPDWR regarding approved treatment techniques include corrosion control treatment, source water treatment, lead service line replacement and public education. The rule may be found in 56 FR 26460, 40 CFR part 141.80-141.90, and Chapter NR 809.541-NR 809.55, Wis. Adm. Code.

Licensed plumber means a person, firm, corporation or other entity licensed to perform plumbing work in the Village by the State of Wisconsin.

Private-side water service line means the water conduit pipe running from the utilities' meter inside the customer's/property owner's property to the water utility's curb stop which is the shut-off valve.

Property means any possessory interest, legal or equitable, in real property including an estate, trust, or lien, and any buildings, structures and improvements thereon.

Public-side water service line means the water conduit pipe running from the water utility's water main to the water utility's curb stop which is the shut-off valve.

Water utility means the Village of Mount Horeb public water utility system, also known as Mount Horeb Utilities.

(c) Authorization. This section is enacted pursuant to Wis. Stats. §§ 62.11(5) and 281.12(5).

(d) Public nuisance. Lead and galvanized private-side water service lines are a public nuisance and are subject to abatement in accordance with [chapter 15](#) of this Code.

(e) Inspection. The utilities superintendent, or such person as may be directed by the superintendent, may inspect, or arrange for an inspection of, property served by the public water system to identify the type of material of the private-side water service line. The inspection is to determine whether the service line is lead, copper, cast iron, galvanized steel, plastic or other material.

(1) Property owners may opt, at their own expense, to have the inspection completed by a State of Wisconsin licensed plumber. If this option is exercised by the property owner, the water utility shall be notified and shall receive an inspection report completed by the property owner's selected State of Wisconsin licensed plumber within 15 days of the notice of required inspection.

(f) Right of entry. Upon presentation of credentials, the utility superintendent, or such person as may be directed by the superintendent, may request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the private-side water service line. If entry is refused, a special inspection warrant under Wis. Stats. § 66.0119 shall be obtained.

(g) Provision of requested information. The utilities superintendent may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with information regarding the piping systems on the property upon request, including age, condition, material, location, and functional status. If this information is not provided, a special inspection warrant under Wis. Stats. § 66.0119 shall be obtained.

(h) Lead or galvanized service line replacement.

(1) Annually, the utilities superintendent shall create a list of all lead or galvanized private-side water service lines to be replaced during that calendar year, and a replacement project timeline. These service lines shall be selected based on factors to

include water main replacement projects, available funding for public-side water service lines, regulatory requirements, and the removal of public nuisances as specified in [section 15.08\(d\)](#).

(2) Owners, managers or persons otherwise exercising control over properties connected to the public water system with lead or galvanized private-side water service lines in use shall replace the lead or galvanized private-side water service lines as follows:

a. Where the water utility is replacing the lead public-side water service line and the private-side water service line is lead or galvanized, the water utility will personally serve abatement orders requiring replacement of the lead or galvanized water services lines, pursuant to [section 15.08-6\(c\)](#) of this Code, on affected property owners at least 30 days prior to the date their lead or galvanized private-side water service line must be replaced. Where the public side of the water service line is copper and the private-side water service line is lead or galvanized, the water utility will personally serve abatement orders requiring replacement of the lead or galvanized water services lines, pursuant to [section 15.08-6\(c\)](#) of this Code, on affected property owners at least 90 days prior to the date their lead or galvanized private-side water service line must be replaced.

b. If an owner fails or refuses to replace a lead or galvanized water service line within the time specified in an abatement order, the water utility will enter the premises and replace the water service line.

c. Any person affected by an abatement order shall, before the abatement deadline in an order, apply to the circuit court for an order restraining the water utility from replacing the water service line, or be forever barred from challenging the validity of the order, the replacement of the water service line, or the obligation to pay the cost of replacement.

(3) All private-side water service line replacements shall be plumbed to ensure proper access to the water meter. Plumbing shall meet requirements set forth in section 15.08

(i) Replacement costs. All costs resulting from the private-side water service line replacement shall be borne by the property owner.

(1) Assessment. Any work done by the water utility or under their direction to complete the private-side water service line replacement shall be charged against the property as a special assessment authorized by Wis. Stats. § 66.0627 and in keeping with sections 2-646—2-654.

a. Terms. Property owners may select the terms of the special assessment. If terms are not selected by the property owner, the term will default to the five-year term.

1. Five-year special assessment terms shall be at zero percent interest.

2. Ten-year special assessment terms shall be at the prime interest.
3. Twenty-year special assessment terms shall be prime interest rate plus one percent.

(2) Grants. In the event that the water utility receives third-party funding designated to be used for the replacement of private-side water service line replacement, the utility shall use such funding to equitably cover costs associated with private-side water service line replacements completed during that calendar year, unless otherwise specified by the provisions of the funding.

- a. All rules and provisions of any such funding shall be followed by the water utility.
- b. If a property owner has elected to use a State of Wisconsin licensed plumber to replace their privately-owned lead service line outside of any program administered by the water utility, the property owner forfeits any claim to grant funding should their chosen plumber not follow all rules and provisions set forth by the third-party funding source.

The foregoing ordinance was duly adopted by the Village Board of the Village of Mount Horeb at a meeting held on January 5, 2022.

APPROVED:

Randy J. Littel, Village President

ATTEST:

Alyssa Gaffney, Village Clerk

APPROVED: _____
PUBLISHED: _____

RESOLUTION 2022-01

Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement

WHEREAS, the Village of Mount Horeb (the "Municipality ") wishes to undertake a project to replace private lead service lines at residences, pre K–12 schools and licensed and/or certified daycare centers, identified as DNR No. 5618-01 (the "Project"); and

WHEREAS, the Municipality has applied to the Safe Drinking Water Loan Program (the "SDWLP") for financial assistance in the form of a loan made by the SDWLP to the Municipality of which all the principal will be forgiven at the time that loan disbursements are made to the Municipality, pursuant to the DNR Financial Assistance Agreement; and

WHEREAS, the SDWLP has determined that it can provide a loan with principal forgiveness in an amount up to \$1,566,000 that it has identified as being eligible for SDWLP funding;

NOW, THEREFORE, BE IT RESOLVED, the Village President and Village Clerk are authorized by and on behalf of the Municipality to execute the Principal Forgiven Financial Assistance Agreement that contains the terms and conditions of the SDWLP award for the Project. The Principal Forgiven Financial Assistance Agreement is incorporated herein by this reference.

Introduced and passed this 5th day of January, 2022.

Randy Littel, Village President

ATTEST:

Alyssa Gaffney, Village Clerk

Village of Mount Horeb, WI Code Adoption Ordinance

Schedule A Specific Revisions at Time of Adoption of Code

Global Changes.

Nomenclature.

Throughout the entirety of the Code, the following terms are amended as indicated:

1. Each instance of the term “Finance Committee” is changed to “Finance and Personnel Committee.”
2. Each instance of the term “Director of Public Works” is changed to “Director of Public Services.”

Fees.

Specific fee amounts are removed from the following sections and replaced with a reference to the Village Fee Schedule: §§ 7.10(2)(d), 8.06(4)(a), 8.08(2), 8.09(3)(c), 8.121(3), 11.08(7)(a)1, 12.01, 12.02(8) and (9), 12.031, 12.04(1), 12.07(4)(b), 12.075(5), 12.08, 13.34(2), 13.38, 14.02(7), 14.025(3), 14.10(11), 16.03, 17.14(3)(c), 17.27(2)(f), 17.29(1) and (2), 17.121(5)(a), 17.177(1)(b)1, 18.14(6), 18.53(1)(c), 18.61 and 20.14.

Chapter 1, General Provisions.

Art. I, General Provisions as to Officials.

1. The table in Section 1.02(1) is updated.
2. Section 1.02(2) is amended to change “May 1” to “the third Tuesday in April.”
3. Former § 1.08, Discrimination in employment prohibited, is repealed.

Art. II, Officials.

1. Former § 1.13, Health Officer, is repealed.
2. Section 1.16(2) is amended by the deletion of “Possible violation shall be reported to the Village Administrator.”

3. Section 1.18(7) is amended to read: “Collection and return of forfeitures. On behalf of the Village or Town's Treasurer, the Municipal Judge will collect and report within 30 days all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding in Municipal Court and turn over all money to the Village or Town Treasurer within 30 days of collection.”
4. Section 1.18(8)(b) is amended to read: “Penalty for contempt. The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than \$200, plus the costs, fees, and surcharges imposed under Ch. 814, Wis. Stats. Collection procedures may be initiated upon nonpayment.”
5. Section 1.18(9)(b) is amended to read: “Plea and deposit in lieu of court appearance. Persons cited for violations of Village or Town ordinances, for which a deposit has been established under this subsection, shall be permitted to make a plea of no contest and a deposit in lieu of court appearance as provided in § 800.035, Wis. Stats.”
6. Section 1.19(1)(b) is amended to change “May” to “April.”
7. Section 1.19(3) is amended to read: “Public Works Committee. The Public Works Committee shall consist of five members, including three members of the Village Board, one of whom shall be appointed by the Village President as chairperson, and two citizen members. The Public Works Committee shall be responsible to review and make recommendations to the Village Board regarding the operations and public facility projects of the Public Services Department.”

Article III, Boards and Commissions.

1. Former § 1.21, Board of Health, is repealed.
2. Sections 1.23(1) and (2) are amended to read:

“Membership. The Board of Review shall be composed of five members, including the Village President (Chair), the Village Clerk, or the Deputy Village Clerk if the Village Clerk is unavailable, the Chair of the Village Finance and Personnel Committee, and two citizen members. The citizen members shall be appointed by the Village President, subject to confirmation by a majority of the Village Board, annually during the month of May. Up to three alternate members shall also be so appointed and confirmed.”

“Compensation. Citizen members of the Board of Review, except members who are full-time employees or officers of the Village, will receive compensation per session as provided by Village Board resolution per § 70.46(3), Wis. Stats.”
3. Section 1.25(1) is amended to read: “Membership. The Zoning Board of Appeals shall consist of five members appointed to three-year staggered terms by the

Village President, subject to approval of the Village Board, The Village President shall appoint the Chair of the Zoning Board of Appeals.”

4. Section 1.26 is amended to read:

(1) How constituted. The Village Plan Commission shall consist of seven members: the Village President (Chair). one Trustee, and five citizens, all of whom may vote.

(2) Appointment.

(a) Trustee member. The Trustee member of the Commission will be appointed each April by the Village President, subject to a majority vote by the Village Board.

(b) Citizen members. Citizen members will be appointed by the Village President for three-year terms, subject to a majority vote by the Village Board.

5. Section 1.29(1) is amended to delete: ~~“Resident or property owner members shall be persons of recognized experience and qualifications in the following fields: building construction, economic development, banking, or legal experience.”~~

6. Section 1.30 is amended to read: “The Trollway TV Committee shall consist of five residents of the Village appointed by the Village President, subject to confirmation by the Village Board, during April for three-year terms beginning May 1. The Village President appoints the Chair. The terms are staggered so no more than two appointments are made annually.”

7. Section 1.31(1) is amended to read:

Membership. The Village Plan Commission also acts as the Historic Preservation Commission.

8. Former § 1.31(2), Powers and duties, is repealed and former § 1.31(3) is renumbered § 1.31(2).

9. Section 1.325 is amended to read:

(1) How constituted. The Police Commission shall consist of five citizen members, three of whom constitute a quorum. One member of the Police Commission may reside outside the Village.

(2) Appointment and term of office. Members are appointed by the Village President, subject to approval by the Village Board. The Village President appoints in writing one member for a five-year term beginning the last Monday in April of the first year and ending the last Monday in May of the fifth year. The appointment is filed with the secretary of the Police Commission. No appointment will be made resulting in more than three members of the Police Commission belonging to the same political party.

(3) Powers and duties. The Police Commission shall have the following powers and duties:

(a) Appoint the Chief of Police, subject to approval by the Village Board. The Chief is subject to suspension or removal by the Police Commission for cause.

- (b) Review and approve the Chief of Police's hiring and appointment of subordinates, and assure the hiring and appointments are made in accordance with law, including § 62.13(4), Wis. Stats.*
- (c) Adopt rules establishing the physical and educational qualifications and experience required for subordinates. The Police Commission may also provide competitive examinations for prospective subordinates, which will be free, and provide the classification of positions for subordinates in the Police Department.*
- (d) Establish and maintain a program for creating, updating and maintaining a list of individuals determined to meet the eligibility requirements for subordinate positions in the Police Department.*
- (e) Conduct disciplinary hearings on charges filed against the Chief of Police or subordinates, and impose discipline or dismissal, in accordance with law.*
- (f) Establish rules governing the proceedings of the Police Commission. The Police Commission shall keep a record of their proceedings.*
- (g) Other powers and duties as are prescribed by law.*

Chapter 2, Governing Body.

1. Section 2.01(1) is amended to read: *Regular meetings. Regular meetings of the Village Board are usually held on the first Wednesday of each month at 7:00 p.m. Unless otherwise noticed, all meetings of the Board are held in the Municipal Building.*
2. Section 2.01(2) is amended to read: *Special meetings. Special meetings of the Village Board may be called by any two Trustees, in writing, filed with the Clerk at least 24 hours prior to the time specified for such meeting, according to the rules of the Open Meetings Law, § 19.81, Wis. Stats. The Clerk shall immediately notify each trustee of the time and purpose of the meeting.*
3. Former § 2.01(4), Adjournments, is repealed.
4. Section 2.02 is amended to read:

The business of the Board shall be conducted in the following order:

- (1) Call to order by presiding officer.*
 - (2) Roll call. If a quorum is not present, the meeting will adjourn, or adjourn to a specific date.*
 - (3) Approve minutes of previous Board meetings and make corrections if necessary.*
 - (4) New business, including the introduction of ordinances and resolutions.*
 - (5) Reports of committees.*
 - (6) Reports of Village officers.*
5. Section 2.04(2) is amended to delete “the Clerk or, in his absence,” before “the senior Trustee.”
 6. Section 2.05, which was reserved, is added to read:

Except as otherwise provided by law, the Village Board shall have the management and control of village property, finances, highways, streets, navigable waters, and public service. The Board shall have the power to act for the government and good order of the Village, including its commercial benefit and the health, safety, welfare and convenience of the public. The Board may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment, and other necessary or convenient means. The powers conferred shall be in addition to all other grants and are limited only by express language.

7. Section 2.07(1) is amended to delete: “and avoid all personalities.”
8. Former § 2.07(5), concerning precedence of actions when a question is under discussion, is repealed.
9. Section 2.07(5) now reads as follows:
Any member desiring to terminate debate on a matter already motioned and seconded may call for a vote, in which event the President shall call for a vote on the matter. If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Board to a direct vote, first upon any pending amendments and then upon the main question.
10. Section 2.07(6) is amended to read:
Any Trustee may demand an aye and nay vote on any matter, and such vote shall be entered in the proceedings. Every member shall vote when a question is put, unless a member has a conflict of interest and, on the record, abstains from voting. The number of votes needed for passage or approval shall be as required by the Wisconsin Statutes.

Chapter 3, Finance and Taxation.

1. Section 3.01: Former Subsection (1), concerning aggregate tax statement, is repealed; former Subsection (2) is renumbered as Subsection (1) and amended to read:
Tax receipts. Pursuant to § 74.19, Wis. Stats., the Village Treasurer shall record each tax receipt, including the date of payment and the total amount of taxes paid. Tax receipts shall be signed and a duplicate kept by the Village Treasurer after noting the payment of taxes on the tax roll.
2. Section 3.03(1) is amended to read:
Departmental estimates. Each department and oversight committee shall provide the Administrator with a budget to carry out the duties of the department during the preceding fiscal year, including estimates for the current fiscal year and the ensuing fiscal year.
3. Section 3.05 is amended to read:

No money shall be drawn from the treasury, except in accordance with the annual appropriation in the adopted budget or when changed as authorized by § 3.04 of this chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation.

4. Section 3.06(2), concerning a monthly filing of claims, is repealed and former subsection (3) renumbered as (2).
5. In § 3.07(2) the definition of “record” is amended to read:

Any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. "Record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials that are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library.

6. Section 3.10(4)(c) is amended to read: “The Tourism Commission will provide an annual report to the Village, indicating how the revenues were spent.”
7. Section 3.10(7) is amended to read:

Sale or conveyance of business. If any person liable for any amount of tax under this section sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient funds from the purchase price to cover such amount until the former owner produces a receipt from the Village Treasurer that it has been paid or a certificate stating that no amount is due. If any person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, they shall become personally liable for payment of the amount required to be withheld by them.

Chapter 4, Police Department.

This chapter is amended in its entirety to read as follows:

4.01. Personnel.

The Police Department shall consist of the Chief of Police and sworn law enforcement officers and employees as appointed.

4.02. Appointment.

The Chief of Police shall hire and appoint all sworn law enforcement officers in accordance with law and subject to the approval of the Police Commission.

4.03. Police officers.

(1) General powers and duties. Each officer of the Department shall possess the powers conferred by law on Village sworn law enforcement officers, shall preserve the public peace, enforce the laws and ordinances of the state and Village, and shall obey the orders, rules and regulations of the Chief.

(2) Minimum age. Applicants must be at least 21 years of age to be eligible for employment as a police officer.

(3) Education. Education requirements are per the Wisconsin Law Enforcement Standards Board: § 165.85(3)(b), Wis. Stats., §§ LES 1.03(1) and LES 2.01(1)(e), Wis. Adm. Code.

Chapter 5, Fire Protection.

1. Section 5.01 is amended to change “Mount Horeb Area Fire District” to “Mount Horeb Area Joint Fire Department.”
2. Sections 5.02 and 5.03 are amended to read:

§ 5.02. Adoption of state codes.

The following chapters of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this chapter as if set forth in full:

<i>Ch. ATCP 93</i>	<i>Flammable and Combustible Liquids</i>
<i>Ch. SPS 340</i>	<i>Liquefied Petroleum Gases</i>
<i>Ch. SPS 314</i>	<i>Fire Prevention Code</i>
<i>Ch. SPS 361-365</i>	<i>Building and Heating Ventilating and Air Conditioning</i>
<i>§ NR 429.04</i>	<i>Open Burning</i>
<i>Chapter 101, Wis. Stats.</i>	<i>Smoke Detectors for Dwelling Units</i>

§ 5.03. Adoption of NFPA Codes.

The following National Fire Protection Association Codes are adopted by reference and made a part of this chapter as if set forth in full:

<i>NFPA 1</i>	<i>Fire Prevention Code</i>
<i>NFPA 13, 13D and 13R</i>	<i>NFPA Sprinkler Codes</i>

3. Section 5.04 is amended to read:
Where municipal fire hydrants are available and any portion of a commercial or industrial building is set back more than 300 feet from the municipal fire hydrant, the owner shall install, at his expense, approved hydrants. Hydrants will be spaced and supplied according to NFPA requirements for fire flow. All hydrants will be approved

by the Chief of the Fire Department and installed in compliance with the standards of the Utility Commission.

4. Section 5.05 is amended to read:

During the course of construction, major alteration or demolition of any building, the following conditions must be maintained:

(1) Firefighter and equipment access to premises. Arrangements will be made for firefighters and equipment to have immediate access to the premises when responding throughout the construction project.

(2) Access to fire hydrants. Access from the street to fire hydrants and outside connections for standpipes, sprinklers or other fire-extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times. Constriction of any temporary protective pedestrian walkways shall not impede access to hydrants. No construction materials shall be placed within 10 feet of hydrants or connections, or between them and the center line of the street.

(3) Access to first aid fire equipment. During building operations, access to permanent, temporary or portable first aid fire equipment shall be maintained at all times.

(4) Stairways. In multiple-story buildings, at least one stairway shall be provided in usable condition at all times.

5. Section 5.055(2) is amended to read:

Requirement and location. A Knox-Box shall be required in all buildings with three or more residential units, if such buildings have either an approved automatic sprinkler system or a local, proprietary, or central station monitored fire alarm system, or both. A Knox-Box is also required on any newly constructed or remodeled commercial property and any other building, including existing construction, in the Village as ordered by the Fire Chief, to allow an emergency response at the location. The Knox-Box shall be mounted in a location approved by the Fire Chief. The model of Knox-Box shall also be approved by the Fire Chief and shall contain the following keys necessary to provide emergency access: keys to lock points of ingress, whether on the interior or exterior of such building; keys to locked mechanical equipment rooms, keys to locked electrical rooms; keys to elevator controls; and keys to other areas as directed by the Fire Chief.

6. Section 5.055(3) is amended to read:

Maintenance. The owner of any building within the scope of this section shall maintain the Knox Box in good working order and is responsible to assure that keys within the Knox Box are current.

7. Section 5.06(1) is amended to read:

Blocking fire hydrants prohibited. No person shall interfere with the accessibility of any fire hydrant by parking or piling, dumping or placing any obstructive material or object within 10 feet of a fire hydrant. See § 8.04.

8. Section 5.06(2)(d) and (e) are amended to read:

(d) Burning which is permitted under § 5.02 of this chapter pursuant to § NR 429.04(1)(a), Wis. Adm. Code, and burning of "prairie gardens" requires a written permit from the Fire Chief or designee. Permitted fires will not be ignited or kindled when the Wisconsin Department of Natural Resources has set outdoor burning restrictions for permits in Dane County.

(e) No person shall handle burning material in a negligent manner. Burning material is handled in a negligent manner if a risk of harm to another or damage to property is created.

9. Section 5.06(2)(g) is added to read:

(g) Outdoor fireplaces will be allowed with the following conditions:

- 1. Outdoor fireplaces are bowls or pits designed for the holding or burning of wood. Outdoor fireplaces will include a bowl to ensure containment of fire from other combustibles;*
- 2. Outdoor fireplaces will not be used within 15 feet of a building or lot line;*
- 3. Outdoor fireplaces will be used on a stable level surface;*
- 4. Outdoor fireplaces will not be used on any combustible deck, porch or patio;*
- 5. Only clean, dry wood is permitted to be burned in outdoor fireplaces or pits. No trash, yard waste or construction material will be burned;*
- 6. If the fireplace is a propane unit, only propane will be burned;*
- 7. Manufactured outdoor fireplaces and pits must be operated in accordance with the manufacturer's assembly, safety and operating instructions.*
- 8. The smoke from the fireplace or pit must not create a nuisance;*
- 9. A fire extinguisher, garden hose or other method of fire control must be readily available;*
- 10. The fireplace or pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or pit is left unsupervised;*
- 11. Fires in outdoor fireplaces are allowed any time of the day, except during Emergency Burning Restrictions for Dane County as issued by the Wisconsin Department of Natural Resources.*

10. Former § 5.07, Fire hydrant snow removal, added 6-6-2007 by Ord. No. 2007-09, is redesignated as § 8.04 of the Code.

11. Sections 5.08 and 5.09 are added to read as follows:

5.08. Buildings with sprinkler system and outdoor fire connection.

New buildings with a sprinkler system and an outdoor Fire Department Connection (FDC) are required to have a four-inch Storz connection with a 45 degree down angle.

5.09. Snow removal for buildings with public access.

All buildings with public access (i.e., commercial buildings) shall keep all exits

clear of snow to allow evacuation of the building in the event of an emergency. Access pathways and sidewalks to roadway will also be cleared for safe evacuation routes from any hazard.

12. Section 5.10 is amended to read:

Except as otherwise provided herein, any person who violates any provision of this chapter shall be subject to a penalty as provided in § 25.04 of this Municipal Code.

Chapter 6, Emergency Government.

1. Section 6.01(2) is amended to read:

(2) *Emergency Government Director or designee (further described as “Director”).*

(a) *General duties and authority. The Director shall be the executive head of and have direct responsibility for administration and operation of the organization, subject to the direction and control of the Village Board and the Village President. The Director shall coordinate all activities for emergency government within the Village and shall communicate and cooperate with emergency government agencies and state and federal governments. The Director shall participate in county and state emergency government activities upon request and have such additional authority, duties and responsibilities as authorized by this section or as required by the Village Board.*

(b) *Emergency government plan. The Director shall prepare a comprehensive general plan for the Village and present the plan to the Village Board for its approval. Upon approval of the plan by resolution, it will be the responsibility of all Village departments and emergency government entities to perform the duties and functions assigned by the plan. The plan may be modified in like manner.*

2. Section 6.01(3) is amended to read: “Utilization of existing services and facilities. The Director shall utilize the services, equipment, supplies and facilities of existing departments to the maximum extent practicable, and the officers and personnel of all departments are directed to cooperate with the Director.”

3. Section 6.01(4) is amended to read: “Emergency regulations. Utilization of existing services and facilities. The Director shall utilize the services, equipment, supplies and facilities of existing departments to the maximum extent practicable, and the officers and personnel of all departments are directed to cooperate with the Director.”

4. Section 6.01(5) is amended to read:

(5) *Declaration of emergencies.*

(a) *Upon the declaration of a state of emergency by the Governor, the Village President, or the Director, in his absence, or by the Village Board, the Director shall issue all necessary proclamations pertaining to the state of emergency and*

shall issue disaster warnings or alerts as required in the emergency government plan.

(b) Unless the declaration was issued by the Governor, the emergency government organization shall continue until terminated by the issuing authority, at the direction of the Village Board.

5. Section 6.05 is amended to read:

No person shall obstruct, hinder or delay any member of the Emergency Government Organization in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter, or act against any order, rule, regulation or plan issued pursuant to the authority contained in this chapter. The penalty for violation of this chapter shall be a penalty as provided in § 25.04 of this Municipal Code.

Chapter 7, Traffic Code.

1. Section 7.01 is amended to add the following Administrative Code chapters for adoption by reference: Chs. Trans. 146, 300, 304, 305 and 326.
2. Section 7.035(2) is amended to read:

Prohibited routes. Heavy traffic is prohibited from using any Village street or highway not designated as a heavy traffic route. This section shall not act to prohibit heavy traffic from using Village streets or highways for the purpose of obtaining orders or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on a street or highway not designated a heavy traffic route. An exception is leaving or returning to the terminal or place of garaging of any such vehicle. When it is necessary for the operator of such a vehicle to travel upon a street not designated as a heavy traffic route, the operator shall leave and reenter heavy truck routes at the point closest to his immediate destination. This section will not act to prohibit heavy traffic from using a federal or state trunk highway. Village-owned or operated equipment, or equipment contracted by the Village, is specifically excluded from the provisions of this section.

3. Section 7.035(4) is amended to read: "Posting of signs. Signs shall be posted for heavy traffic routes. Yellow signposts may also be used to designate heavy traffic routes."
4. Section 7.035(5) is amended to read: "Liability. Any operator, corporation, owner, or agent whose heavy traffic vehicle damages any Village streets or highways in violation of this section shall be required to pay any repair or replacement costs."
5. Section 7.035(7) is amended to delete the entry for "CTH ID." Elsewhere in the chapter reference to "CTH ID" has been updated to "Springdale Street."

6. Section 7.04 is amended to read: “Where signs indicate, at intersections vehicles shall yield the right-of-way to vehicles on the intersecting street in accordance with § 346.18(6), Wis. Stats.”
7. Section 7.05 is amended to read: “Operators of vehicles will stop at all stop signs in accordance with § 346.46(1), Wis. Stats.”
8. In § 7.07(4), the entry for First Street lot is amended to read as follows:

First Street lot, southeast corner of the intersection of South First Street and Front Street.

9. Section 7.07(4)(a) is amended and former subsections (4)(b) and (4)(c) are deleted, to now read as follows:

General parking limitations. No vehicle, except those with a valid winter parking permit per Subsection (6)(c), shall be parked in any municipal parking lot between 2:00 a.m. and 5:00 a.m. Any vehicle parked during this time period shall be subject to immediate removal and impoundment under the direction of the Police Department at the cost of the vehicle owner.

10. Section 7.07(8) is amended to read: “Handicapped. No person will park in areas designated for handicapped parking unless the vehicle displays special registration plates, identification cards or emblems issued by any state Department of Transportation, designating the vehicle as one used by a handicapped person.”
11. Section 7.07(11) is amended to read: “Fifteen-minute limit. When a sign is posted, no person shall park a vehicle for longer than 15 minutes at any time between 8:00 a.m. and 6:00 p.m. daily:”
12. Section 7.08 is amended to read: “Notwithstanding the provisions of § 346.48(2)(b)2., Wis. Stats., adopted by reference in § 7.01, school bus operators shall use flashing red warning lights when pupils or other authorized passengers are loaded or unloaded.”
13. Section 7.09 is amended to read:

§ 7.09. Traffic control devices.

- (1) Chief of Police authorized to install signs and signals. The Chief of Police is authorized to install appropriate standard traffic signs, signals and markings conforming to the State Department of Transportation rules.*
- (2) Removal of unofficial signs and signals. The Chief of Police has the authority granted by § 349.09, Wis. Stats., to remove a sign, signal, marking or device placed in violation of this chapter or § 346.41, Wis. Stats.*

14. Section 7.10(1) is amended to delete definitions not relevant to the section and revise the definition of “bicycle” to read: “A bicycle is a pedal-driven or motor-powered device with wheels attached to a frame.”
15. Section 7.10(2) is amended to read:
Bicycle registration and regulation.
(a) *Registration. Bicycle owners may register their vehicle with the Police Department. A sticker is issued at the time of registration.*
(b) *Use of Military Ridge Bicycle Trail.*
1. *Wisconsin Administrative Code Ch. MR 45 adopted. Except as otherwise specifically provided in this chapter, the provisions of Ch. NR 45, Wis. Adm. Code, entitled "Use of Department Properties," describing and defining regulations with respect to use of lands, structures and property owned, under easement, leased or administered by the state, are adopted and by reference made a part of this chapter as if fully set forth.*
16. Section 7.10(4) and (5) are amended to read:

(4) *Pedestrians have right-of-way. Operators or riders of bicycles, e-cycles and play vehicles shall yield the right-of-way to pedestrians using sidewalks.*

(5) *Penalty. The penalty for violation of this section is provided in § 25.04 of this Municipal Code.*
17. Section 7.11(1) and (2) is amended to read:

(1) *Statutes adopted. Except as otherwise specifically provided in this section, the statutory provisions describing and defining regulations with respect to snowmobiles in Ch. 350, Wis. Stats., are hereby adopted by reference and made part of this section as if fully set forth. Section 346.02(10), Wis. Stats., is also adopted by reference. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.*
(2) *Rules of the road. The adoption of § 346.02(10), Wis. Stats., by reference is intended to include the rules of the road as follows: §§ 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50(1)(b), 346.51 to 346.55, 346.87 to 346.91, 346.92 (1) and 346.94(1) and (9).*
18. Former § 7.11(4), Snowmobile renters licensed, is repealed.
19. Section 7.12(1) is amended to read:

Definitions. As used in this section, the following terms shall have the meanings indicated:

FERMENTED MALT BEVERAGES—See § 125.02(6), Wis. Stats.

INTOXICATING LIQUOR—See § 125.02(8), Wis. Stats.

MINIBIKE — Any self-propelled device primarily used for transportation or sport, including, but not limited to, motorcycles, go-carts, motorized/e-bicycles, off-the-road trail bikes and all-terrain vehicles.

20. Section 7.16(1) is amended to read: “State forfeiture statutes. Any forfeiture for violation of § 7.01 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.”

21. Section 7.16(3)(a) is updated to reflect statute.

22. Section 7.17(2) is amended to read:

(2) Deposit.

(a) Any person charged with a violation of this chapter may make a deposit of money, as directed by the charging officer, at the Police Department or office of the Clerk of Court or by mailing the deposit to such places. The person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time stated in the citation. The person will be deemed to have entered a plea of no contest and submitted to a forfeiture and penalty assessment if required by § 165.87, Wis. Stats., a jail assessment if required by § 53.46(1), Wis. Stats., plus any applicable fees in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in § 345.37, Wis. Stats. The person receiving the deposit will issue the person a receipt as required by § 345.26(3) Wis. Stats.

2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time stated in the citation, the court may enter a default judgment finding the person guilty of the offense.

Chapter 8, Public Works.

1. Section 8.01 is amended to read: “Contracts for public construction shall be let by the Village Board in accordance with § 62.15, Wis. Stats. The Village Board, or designee, shall exercise the powers and duties of the public works committee

under § 62.15, Wis. Stats. Section 62.15 applies to a village in the same manner as to a city.”

2. Former § 8.02, Director of Public Works; powers and duties, is repealed.
3. Section 8.03(1), (2), (3), (4)(a), 5(a), (7) are amended to read as follows:
 - (1) *Costs included. The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost, the resulting damages, the interest on bonds or notes issued in anticipation of the collection of the assessments and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost that may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for the proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Village Board.*
 - (2) *Engineer's preliminary special assessment report. Prior to the levy of a special assessment under this section, the Village Engineer, or such other designee of the Village Board, shall prepare a report consisting of:*
 - (a) *A description of the proposed work or improvement;*
 - (b) *The estimated cost of the work or improvement;*
 - (c) *A list of benefited properties against which the assessments are proposed;*
 - and*
 - (d) *A schedule of proposed assessments.*
 - (3) *Public hearing on preliminary special assessment report. The Public Works Committee will hold a public hearing on the preliminary special assessment report following a Class 1 notice of publication. A copy of the public hearing notice and preliminary special assessment report shall be mailed at least 10 days prior to the hearing to all affected property owners. The public hearing notice will indicate the place and time at which the report may be inspected, and the place and time at which all interested persons may appear before the Public Works Committee. Following the public hearing, the Public Works Committee shall take action on any revisions necessary to the special assessment project and report.*
 - (4) *Completion of project.*
 - (a) *Upon completion of the proposed work or improvement, the Village Engineer shall generate a final special assessment report of the properties subject to assessment. The Public Works Committee will hold a public hearing on the final special assessment report following a Class 1 notice of publication. The public hearing notice will indicate the place and time at which the report may be inspected, and the place and time at which all interested persons may appear before the Public Works Committee. A copy of the public hearing notice and final special assessment report shall be mailed at least 10 days prior to the hearing to all affected property owners. Following the public hearing, the Public Works Committee shall take action on any revisions necessary to the special assessment project and report and forward a recommendation to the Village Board.*
 - (5) *Levy.*
 - (a) *After receipt of the recommendation from the Public Works Committee, the*

Village Board may approve by resolution, disapprove or modify, or it may refer the report prepared under Subsection (2) to the Village Engineer with directions to change the report to accomplish a fair and equitable assessment.

(7) Appeals. Any person against whose land a special assessment is levied under this section may appeal in the manner prescribed in § 66.0703(12), Wis. Stats., within 90 days of the date of the resolution.

4. Section 8.03(5)(c)1. is added (and subsequent subsections renumbered) to read:
“If a special assessment on a parcel is less than \$500, it shall be paid in full within 30 days or as stated on the final special assessment notice.”
5. Section 8.04 is amended to read:

§ 8.04. Snow and ice removal.

(1) From public sidewalks. The owner, occupant or person in charge of each property in the Village fronting upon or adjoining any street shall clear the sidewalk of snow and ice to the width of such sidewalk within 24 hours of the continued snowfall or formation of ice.

(a) If any owner and/or occupant of any lot or parcel of land neglects to remove the snow or ice from sidewalks or fire hydrants as specified in Subsections (1) through (3) within the indicated time, the Public Services Director shall remove the snow and ice from any and all sidewalks, cross-sidewalks or fire hydrants that may be neglected by the owner or occupant. Pursuant to § 66.0627, Wis. Stats., any outstanding bill amount and accrued interest will be placed on the tax roll as a charge against the property, due and payable to the Village as any other noninstallment assessment.

(2) Public access. All buildings with public access (for example, commercial buildings) shall keep all exits clear of snow. At minimum, there shall be a four-foot-wide path clear of snow and ice from the exit to the nearest public sidewalk or driveway. In addition, the exit must be sufficiently clear so that the exit door may be opened fully.

(3) From private sidewalks, driveways or parking lots.

(a) No person shall allow snow or ice from private property to be intentionally placed or put onto any public right-of-way without first obtaining written permission from the Village.

(4) Fire hydrant snow removal.

(a) All property owners in the Village that have fire hydrants located on their property, or adjacent road right-of-way, shall remove all snow and ice from the hydrant and surrounding area. A five-foot clearance area of snow and ice will be removed in front of the discharge, and removed in a three-foot clearance area in the remainder area of the hydrant (the backside). Snow and ice will be cleared within a twenty-four-hour period from the last snowfall or ice event.

(b) Any property which is found to be noncompliant shall have, at the option of the Village, such snow and ice removed, and a charge for not less than \$150 per hydrant billed to them. If the bill is not paid within

30 days, the bill shall accrue at a rate of 12% per annum. Any outstanding bill amount and accrued interest will be placed onto the tax roll as a charge against the property, due and payable to the Village as any other noninstallment assessment is payable.

- (c) If a property owner is unable to perform their snow removal responsibilities, it shall be their responsibility to hire or enlist the help of others to ensure that the hydrant is clear from snow and ice obstruction. In instances where a fire hydrant is located on a lot line, it shall be the responsibility of the property owner to the north or to the east to ensure that the hydrant is free from snow and ice.*

(5) Enforcement and penalty.

- (a) The penalty for violation of this section is as provided in § 25.04 of this Municipal Code.*
- (b) Any property noncompliant with this section shall have, at the option of the Village, snow and ice removed from a sidewalk at property owner's expense at a rate determined by the Village.*
- (c) If charges for snow and ice removal are not paid by the responsible party within 30 days after receipt, interest at the rate of 12% per annum may be charged by the Village to the property owner. If not paid, the interest and sum due may be placed on the tax roll as a charge against the real estate due and payable to the Village as any other noninstallment assessment is payable.*

6. Section 8.05(1) is amended to read: “Establishment. The grade of all streets, alleys and sidewalks shall be established by the Village Board upon recommendation of the Village Engineer.”

7. Section 8.06(2)(b)2., (3), (4)(a), (5) are amended to read:

(2)(b)2. The entire cost of sidewalk repairs made other than as part of a Village project, under Subsection (4) of this section, shall be the abutting property owner's responsibility unless other arrangements are made and approved by the Village.

- (3) Village projects. The Village Board may create a Sidewalk Repair Assessment District for the purpose of repairing existing sidewalks within the Village. Contracting and special assessment procedures set forth in § 8.03 of this Code will apply.*

- (4) Private projects.*

- (a) Permit and fee. Except pursuant to and as part of a Village project, no property owner shall construct, install, remove, replace, or repair any sidewalk within the Village without first obtaining a permit therefor from the Village Public Services Director.*

- (5) Specifications. All sidewalks within the Village shall be constructed, repaired and rebuilt in accordance with the most current Standard*

Specifications for Public Works Construction.

8. Section 8.07, Driveways, is amended to read:

- (1) *Approval required. Whenever the owner of any real estate in the Village desires to construct a driveway from any street or alley to the owner's property, he shall first submit an exact sketch of the proposed work to the Director of Public Services for approval.*
- (2) *Number allowed. Driveways to lots shall be limited follows:*
- (a) *One driveway per dwelling unit shall be permitted in the R-1 and R-2 Zoning Districts.*
- (b) *In all other zoning districts, the number of driveways shall be determined as part of the design review process under Chapter 17 of this Municipal Code.*
- (3) *Location.*
- (a) *If applicable, the location of driveways shall be determined as part of the design review process.*
- (b) *The following shall apply to the location of driveways in the R-1 and R-2 Zoning Districts:*
1. *No driveway shall be closer than 25 feet to the right-of-way line of intersecting streets, provided that no part of any driveway approach shall encroach upon any intersection turning area (curb radius).*
 2. *No driveway shall be closer than five feet to a property line. No driveway approach shall be constructed so that any part of the same extends in front of a neighbor's property, unless the neighbor has consented thereto in writing.*
 3. *Any two entrances shall be at least 10 feet apart and in no case less than the sum of the approach radii.*
 4. *Driveways shall be so located as to provide adequate vehicular or pedestrian traffic sight distance in both directions.*
 5. *Driveways shall not be closer than six feet from any hydrant, street light pole, or street tree located on the public right-of-way.*
- (4) *Width. The width of driveway openings (measured at the flow line of the curb) for all driveways constructed shall comply with the following:*

	<i>Minimum Allowable Width (feet)</i>	<i>Maximum Allowable Width (feet)</i>
<i>R-1 Zoning Districts</i>	14	24
<i>R-2 Zoning Districts for duplexes with garages that are:</i>		
(a) <i>Not adjacent to one another</i>	14	24

(b) Adjacent to one another	14	30
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R-3, R-4 and PD-1 Zoning Districts for:

(a) One-way traffic	14	20
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(b) Two-way traffic	28	34
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All Commercial and Industrial Zoning Districts for:

(a) One-way traffic	16	20
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(b) Two-way traffic	28	40
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(5) *Specifications. All driveways hereafter constructed within the Village shall be one-course construction, six inches thick with the same foundation, materials and workmanship as specified for sidewalks in § 8.06(5) of this chapter. Where driveways are constructed across a sidewalk, the concrete shall be six inches thick with the same foundation and materials as specified for sidewalks in § 8.06(5).*

(6) *Construction.*

(a) *The driveway approach (the area between the property line and the road pavement or street curbline) shall be paved as required in Subsection (5) above within one year after obtaining the driveway approval required in Subsection (1) above.*

(b) *In areas where sidewalks are not installed, the driveway approach shall be graded and paved at the property line so as to establish the required grade, in accordance with the specifications of Subsection (5).*

(7) *Variance. In cases of practical difficulty or unnecessary hardship, the property owner may appeal to the Public Works Committee for a variance from the above requirements.*

9. Section 8.08 is amended to read:

(1) *Permit required. No person shall excavate any street, alley, highway, sidewalk or other public way without first obtaining a permit from the Public Services Director.*

(2) *Fee. The fee for a street opening permit shall be as set by resolution and provided in the Village Fee Schedule.*

(3) *Bond required. Before a permit may be issued for making any excavation or opening in any street or public way, the applicant shall execute and deposit with the Village Clerk an indemnity bond in the sum of \$1,000. The bond will indemnify and save harmless the Village and its officers from all liability for accidents and damage caused by any work done by virtue of the permit. The applicant will replace and restore the pavement over any opening made to as good or better a condition than prior to opening and*

will keep and maintain the same in such condition to the satisfaction of the Public Services Director for one year. Such bond shall guarantee that, if the Village elects to make the street repair, the person opening the street will pay all costs of making such repair and maintaining the repair for one year.

- (4) *Regulations governing street and sidewalk openings.*
- (a) *Frozen ground. With the exception of Village utility emergencies, no opening in the streets or sidewalks for any purpose will be permitted when the ground is frozen, except where necessary as determined by the Public Services Director.*
 - (b) *Removal of paving. In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of, or injury to, surfacing material, and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.*
 - (c) *Protection of public. Every person shall enclose, with sufficient barriers, each opening made in the streets or public ways. Barriers shall be sufficiently lighted at night so as to be in full view of the public from all directions. All necessary precautions shall be taken to guard the public from accidents or damage to persons or property during the period of the work.*
 - (d) *Any street or sidewalk opened pursuant to this section will be replaced and restored in as good or better condition as when it was removed. The person causing the opening will keep and maintain the street or sidewalk in such condition to the satisfaction of the Public Works Director for one year. In refilling the opening, the earth shall be puddled or laid in layers not more than nine inches in depth and each layer rammed or tamped to prevent after-settling. The Village may elect to have the Public Services Department make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.*
 - (e) *Excavation in permanent paving. When any excavation is made in a permanently paved road or street, or in any road or street which is to be permanently paved, all clay or hard pan shall be removed and the excavation entirely back filled with sand or gravel thoroughly set and compacted. Any tunnel dug in such road or street shall be backfilled with concrete in a manner approved by the Public Services Director.*
- (5) *Penalty. The penalty for violation of any provision of this section shall be a Class III penalty as provided in § 25.04(1) of this Municipal Code.*

10. Section 8.09 is amended to read:

§ 8.09. Street and sidewalk obstructions and encroachments.

- (1) Obstructions and encroachments prohibited. No person shall encroach upon or in any way obstruct or occupy any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof.*
- (2) Exceptions. The prohibition of Subsection (1) of this section shall not apply to: signs or hardware or clocks attached to buildings that project not more than six feet from the face of such building, and which do not extend below any point 10 feet above the sidewalk, street or alley; awnings at all points are required to be seven feet above the sidewalk, street or alley; public utility encroachments authorized by law; items being loaded or unloaded which do not extend for a distance of more than three feet on the sidewalk from the curb, provided that such items do not remain thereon for more than two hours; temporary encroachments or obstructions authorized by permit under Subsection (3); street or sidewalk openings and excavations permitted under § 8.08 of this chapter.*
- (3) Street privilege permit.*
 - (a) Anyone requesting to obstruct or encroach upon any street or sidewalk, when an exception under this section is not applicable, may apply to the Public Services Director for a street privilege permit.*
 - (b) Bond required. Prior to issuing a street privilege permit, the Public Services Director may require a bond, conditioned that the applicant will indemnify and save harmless the Village of and from all liability for accidents or damage caused by reason of the granting of the permit. The applicant will remove the obstruction or encroachment at completion of the permitted project, will leave the vacated premises in the prior condition, and will repair damage to any street, alley, sidewalk or public property.*
 - (c) Fee. The fee for a street privilege permit shall be as determined by resolution of the Village Board and provided in the Village Fee Schedule.*
 - (d) Conditions of occupancy. The permission to occupy or obstruct streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual construction, alteration, repair, removal or moving of structures and shall be given upon the following conditions and subject to revocation without notice for violation:*
 - 1. Such temporary obstruction or occupancy shall not cover more than 1/3 of any street or alley.*
 - 2. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.*
 - 3. Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width, enclosed*

by a fence at least four feet high on both sides, may be maintained during the period of occupancy.

- 4. The process of moving any structure shall be as continuous as possible until completed and, if ordered by the Public Services Director, can continue during any hours of the day and night.*
- 5. No structure shall be allowed to remain overnight on any street crossing or intersection or impede access to any fire hydrant.*
- 6. Structures shall be moved only in accordance with the route approved by the Public Services Director.*
- 7. Upon completion of the work, the streets, alleys, sidewalks and public grounds occupied under the permit shall be vacated and cleaned of all rubbish and obstructions at the expense of the permittee.*

(e) Termination. All permits issued under this section shall automatically terminate at the end of three months from the date of issue unless an earlier termination date is specified at the direction of the Public Services Director.

- (4) Penalty; removal by Village. The penalty for violation of the provisions of this section shall be as provided in § 25.04 of this Municipal Code. Each day of violation shall constitute a separate offense. In addition to any other penalty imposed, if the owner or occupant of the premises in front of which any sidewalk is unlawfully obstructed refuses or neglects to remove an obstruction within for 24 hours after written notice from the Public Services Director, the Village may remove such obstruction. The cost and expense to remove the obstruction may be billed to the owner of the premises. The Village Clerk shall enter such cost on the next annual tax roll as a special tax against the property in front of which such obstruction was found, and the sum shall be levied and collected as other special taxes against the property.*

11. Section 8.10(3) is amended to read:

(3)Jurisdiction of the Park, Recreation and Forestry Commission. The Park, Recreation and Forestry Commission shall, subject to the supervision and control of the Village Board, and except as herein provided, have jurisdiction and direction over all trees located upon Village-owned property (including the street terrace areas) and all other trees located upon any property if such trees may in any way have effect upon public property or upon the public welfare of the Village, including the planting, care, maintenance, protection and removal thereof. The Park, Recreation and Forestry Commission shall have the authority to make such rules and regulations as it may deem applicable for carrying out the purpose of this section. The Public Services Director is designated as the Village Forester and will carry out the duties of this section.

12. Section 8.10(4)(b) is amended to read as follows:

(b) Inspection. The Village Forester is authorized to inspect premises and/or property pursuant to this section. The Village Forester shall first request permission to enter the premises and/or property. If permission is denied or if the premises and/or property are vacant, the Village Forester shall obtain a special inspection warrant pursuant to § 66.0119, Wis. Stats., before inspecting the premises and/or property. Nothing in this section shall prevent a police officer, firefighter, or other public employee or official to enter premises and/or property in an emergency situation when authorized to do so by law.

13. Section 8.10(4)(c)1 and 2 are amended to read:

(c) Abatement of nuisances.

- 1. Generally. The Village Forester shall order the abatement of public nuisances, as defined in this section, by spraying, removal, pruning, burning or by other means necessary.*
- 2. On public property. When the Village Forester shall determine that a public nuisance as herein defined exists on public property in the Village, the Village Forester shall abate or cause the abatement of the nuisance.*

14. Section 8.10(5) is amended to read: “Planting, maintenance and removal of trees and shrubs on public property. No person shall plant, transplant, spray, brace, trim or remove, or perform major alterations on a tree or shrub on public property without first obtaining permission for such work.”

15. Section 8.10(8)(c) is amended to add: “If the Village Forester determines the obstruction is of such an immediate threat to public safety, the Forester may cause its immediate removal.”

16. Section 8.10(9)(b) and (c) are amended read:

(b) Excavations. All trees on public property near any excavation or construction sites shall be protected by those responsible for the work to prevent injury. No person shall excavate ditches, tunnels or trenches, fill, grade, bore, or install pavement within a radius of 10 feet from any tree on public property without permission from the Village Forester.

(c) Interference with Village Forester. No person shall:

- 1. Refuse to permit the Village Forester, or authorized representative, to enter upon premises at reasonable times to exercise the duties imposed by this section.*
- 2. Interfere with or prevent any act of the Village Forester, or authorized representative, while they are engaged in the performance of duties imposed by this section.*

17. Former § 8.11, Weed regulations, is repealed.

18. Section 8.12(1)(a)4 is amended to delete a duplicated provision.
19. Section 8.12(4) is amended to read: “Notice to adjacent property owners. The Building Inspector shall take reasonable steps to notify the owners of all adjoining properties of the application at least three working days before a permit is issued.”
20. Section 8.12(6) is amended to read: “Grading and seeding. Within 30 days from the expiration of a permit, the owner shall grade the fill site or sites, apply a minimum of four inches of topsoil and apply grass seed to the site or sites. Such work shall be done according to the specifications of the Village Engineer.”
21. Section 8.12(7) is amended to read: “Other permits. An applicant is responsible for obtaining any other necessary county, state, or federal permits. Issuance of a Village permit does not release the Village permit holder of the responsibility for obtaining any applicable permit from another jurisdiction.”
22. Section 8.121(2), (3) and (4) are amended to read:
- (2) Operation. No person shall perform blasting within the Village in a manner so that dust, dirt or vibration from the operation shall, in any way, damage or injure any person or property within the Village. Drilling and blasting operations may be conducted only between the hours of 6:30 a.m. and 5:00 p.m., Monday through Saturday; provided, however, the Village Administrator or, in his absence, the Public Services Director, shall have the authority to grant a permit for hours other than those specified. All blasting within the Village shall be performed according to the requirements of Ch. SPS 307, Explosives and Blasting Agents, Wis. Adm. Code.*
- (3) Permit and fee. No person shall perform drilling and blasting operations within the Village without obtaining a permit from the Village. All permit applications and permit renewals shall be accompanied by a nonrefundable fee established by Village Board resolution and provided in the Village Fee Schedule. Each permit shall specify the area within which drilling and blasting operations are allowed and shall expire on a date stated in the permit.*
- (4) Insurance. Each application for a blasting permit shall be accompanied by a certificate of liability insurance naming the Village of Mount Horeb as an additional insured party with coverage amounts of not less than \$1,000,000 for damage to property and \$1,000,000 for injury to persons.*
23. Section 8.121(5)(b) is amended to read: “Revocation of permit. If the permit holder does not cease activities in response to a stop-work order or otherwise comply with the permit as issued, the Village may revoke the permit. A permit holder whose privileges are revoked may appeal to the Village Board.”
24. Section 8.122(1) is amended to change “Saturday” to “Sunday.”
25. Former § 8.13(3), Time for filing, is repealed.
26. Section 8.14 is amended to read as follows:

Any person knowingly causing damage to a street, sidewalk or other public improvement within the Village limits, including, but not limited to, damage resulting from the loading or unloading and/or moving of construction equipment or machinery on public property, who fails to immediately report the damage to a Village official, shall be subject to a penalty as provided in § 25.04 of this Municipal Code. In addition to a monetary penalty, any person who violates this section shall be required to repair the damage caused or, if necessary, replace the damaged public improvement.

27. Section 8.15 is amended to read as follows:

Except as otherwise provided herein, any person who violates any provision of this chapter, or any regulation, rule or order made hereunder, shall be subject to a penalty as provided in § 25.04 of this Municipal Code.

Chapter 9, Public Peace and Good Order.

1. Section 9.01 is amended to read as follows:

§ 9.01. Offenses against state laws subject to forfeiture.

The following statutes defining offenses against the peace and good order of the State of Wisconsin are adopted by reference to define offenses against the peace and good order of the Village of Mount Horeb, provided the penalty for commission of such offenses shall be limited to a forfeiture imposed under § 9.210 of this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

§ 167.10 Regulation of Fireworks

§ 175.25 Illegal Storage of Junked Vehicles

§ 97.627 Causing Fires by Tobacco Smoking

§ 939.22 Words and Phrases Defined

§ 940.19(1) Battery

§ 940.291 Law Enforcement Officer; Failure to Render Aid

§ 941.01 Negligent Operation of Vehicle

§ 941.10 Negligent Handling of Burning Material

§ 941.12(2), (3) Interfering with Firefighting

§ 941.13 False Alarms

§ 941.20(1) Endangering Safety by Use of Dangerous Weapon

§ 941.23 Carrying Concealed Weapon

§ 941.231 Carrying a concealed knife

§ 941.235 Carrying Firearm in Public Building

§ 941.36 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes

§ 941.37(1), (2) Obstructing Emergency or Rescue Personnel

§ 942.05 Opening Letters

§ 943.01(1) Damage to Property

§ 943.11 Entry into Locked Vehicle

§ 943.125 Entry into Locked Coin Box

943.13 Trespass to Land

- § 943.14 Criminal Trespass to Dwellings*
- § 943.145 Criminal Trespass to a Medical Facility*
- § 943.15 Entry Onto a Construction Site or Into a Locked Building, Dwelling or Room*
- § 943.20 Theft*
- § 943.21 Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station*
- § 943.22 Use of Cheating Tokens*
- § 943.23(2) Operating Vehicle Without Owner's Consent*
- § 943.24(1) Issue of Worthless Checks*
- § 943.34(1) Receiving Stolen Property*
- § 943.37 Alteration of Property Identification Marks*
- § 943.38(3) Forgery*
- § 943.41 Financial Transaction Card Crimes*
- § 943.50(4)(a) Retail Theft; Theft of Services*
- § 944.15 Public Fornication*
- § 943.55 Removal of Shopping Cart*
- § 944.17 Sexual Gratification*
- § 944.20 Lewd and Lascivious Behavior*
- § 944.23 Making Lewd, Obscene or Indecent Drawings*
- § 944.25 Sending Obscene or Sexually Explicit Electronic Messages*
- § 944.30 Prostitution*
- § 944.31 Patronizing Prostitutes*
- § 944.33 Pandering*
- § 944.36 Solicitation of Drinks Prohibited*
- § 945.01 Definitions*
- § 945.02 Gambling*
- § 945.04 Permitting Premises to be Used for Commercial Gambling*
- § 946.40 Refusing to Aid Officer*
- § 946.41 Resisting or Obstructing Officer*
- § 946.42(2) Escape*
- § 946.69 Falsely Assuming to Act as Public Officer or Employee or a Utility Employee*
- § 946.70(1) Impersonating peace officers, fire fighters, or other emergency personnel*
- § 946.72(2) Tampering with Public Records and Notices*
- § 947.01 Disorderly Conduct*
- § 947.012 Unlawful Use of Telephone*
- § 947.0125 Unlawful Use of Computerized Communication Systems*
- § 947.013 Harassment*
- § 947.06 Unlawful Assemblies and Their Suppression*
- § 948.01 Definitions*
- § 948.11(2)(b) Exposing a child to harmful material or harmful descriptions or Narrations*
- § 948.45 Contributing to Truancy*
- § 948.50 Strip Search by School Employees*

- § 948.51 Hazing*
 - § 948.60 Possession of a Dangerous Weapon by a Person Under 18*
 - § 948.61 Dangerous Weapons other than Firearms on School Premises*
 - § 948.62 Receiving Stolen Property from a Child*
 - § 948.63 Receiving Property from a Child*
 - § 951.02 Mistreating Animals*
 - § 951.03 Dognapping or Catnapping*
 - § 951.04 Leading Animal from Motor Vehicle*
 - § 951.05 Transportation of Animals*
 - § 951.06 Use of Poisonous and Controlled Substances*
 - § 951.07 Use of Certain Devices Prohibited*
 - § 951.08 Instigating Fights Between Animals*
 - § 951.09 Shooting at Caged or Staked Animals*
 - § 951.10 Sales of Baby Rabbits, Chicks and Other Fowl*
 - § 951.11 Artificially Colored Animals; Sale*
 - § 951.13 Providing Proper Food and Drink to Confined Animals*
 - § 951.14 Providing Proper Shelter*
 - § 951.15 Abandoning Animals*
2. Section 9.02 is amended to read: “Any person who intentionally calls the telephone number 911 to report an emergency, knowing that the situation which he or she reports does not exist, may be fined. The penalty for violation of this chapter is provided in § 25.04 of this Municipal Code. For the purposes of this section "emergency" shall mean a situation in which human life or property are in jeopardy and the prompt summoning of aid is essential.”
 3. Section 9.03(2) is amended to delete “The authorization of a wildlife management hunt may include authorization for the use of bow and arrow.”
 4. Section 9.07 is amended to read: “No person shall deposit any paper, fruit peelings, food, cans, bottles, glass or other waste or refuse upon the public grounds, streets, alleys, school grounds or parks.”
 5. Section 9.08 is amended to read:

§ 9.08. Disorderly conduct with motor vehicle.
Whoever does any of the following within the Village limits shall be liable to the Village for a penalty as provided in § 25.04 of this Municipal Code:
(1) Vehicle is used in the act of a disturbance, reckless driving, or other unreasonable conduct tending to bother, annoy, or disturb others. This includes, but is not limited to, accelerating or decelerating a motor vehicle causing a squealing of tires or producing tire marks.
 6. Section 9.10(1) is amended to read:
 - (1) *Unless accompanied by a parent, guardian or adult person having legal custody, no person less than 18 years of age shall remain, and no parent, guardian or legal*

custodian shall knowingly permit his or her child or ward to remain, in or upon any streets, alleys or public places in the Village of Mount Horeb between the following hours:

(a) Children 15 years of age and under:

- 1. Sunday through Thursday: 10:00 p.m. to 5:00 a.m.*
- 2. Friday and Saturday: 11:00 p.m. to 5:00 a.m.*

(b) Children 16 to 17 years of age:

- 1. Sunday through Thursday: 11:00 p.m. to 5:00 a.m.*
- 2. Friday and Saturday: 12:00 Midnight to 5:00 a.m.*

7. Section 9.11 is amended to read as follows:

- (1) If open to public vehicular traffic or public parking, no person shall consume or be in possession of any open container containing intoxicating liquor or fermented malt beverages while in or upon any public thoroughfare, public street, alley, sidewalk, parking lot or other public way, or any privately owned property.*
- (2) This section does not apply to someone who has a valid liquor license or sidewalk café permit.*

8. Section 9.12(2) is amended to read:

(2) Subsection (1) applies when the following conditions are present:

- (a) The person knows or should have known that the child is a child described in either Subsection (1)(a) or (b).*

9. Former § 9.15, Failure to return library materials, is repealed.

10. Section 9.16 is amended to read:

§ 9.16. Truancy.

(1) Definitions. For purposes of this section, the following terms have the meaning indicated:

ACCEPTABLE EXCUSE — An acceptable excuse as defined under §§ 118.15 and 118.16(4), Wis. Stats.

HABITUAL TRUANT — A pupil who is absent from school or absent from virtual school pursuant to the rules for virtual attendance and instruction adopted by the Mount Horeb Area School District without an acceptable excuse for part or all of five or more days on which school is held during a school semester.

OPERATING PRIVILEGE—Has the meaning given in Wis. Stats. § 340.01(40).

PROHIBITED CONDUCT—A person under 18 years of age is prohibited from being a truant or a habitual truant.

TRUANT—A pupil who is absent from school or absent from virtual school pursuant to the rules for virtual attendance and instruction adopted by the Mount Horeb Area School District without an acceptable excuse for part or all of any day on which school is held during a school semester.

(2) Penalties.

(a) Parent or guardian liability for truancy.

- 1. Unless the child is excepted or excused under Wis. Stats. § 118.15 or has graduated from high school, any person having control over a child who is between the ages of six and 18 years will cause the child to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.*
- 2. A person found to have violated Subsection (2)(a)1 of this section, after evidence is provided by a school official that the prerequisites under § 118.16(5), Wis. Stats., have been completed, will be subject to a forfeiture of up to \$500.*
- 3. Subsection (2)(a)2 of this section does not apply to a person who has been sanctioned under § 49.26(1)(h), Wis. Stats., nor does it apply if the person provides that he is unable to comply with subsection (2)(a)1 of this section because of the disobedience of the child.*

(3) Dispositions for truant and habitual truant.

(a) Upon a finding that a person is a truant, the court may enter an order making one or more of the following dispositions:

- 1. Order the person to attend school. If school attendance is ordered, court clerks must notify the school designee (e.g., school principals) about the court order requiring the student to attend school and the order must specify what constitutes a violation of an attendance requirement. The order will direct the school or the agency responsible for supervising the student (e.g., social services or Department of Corrections in delinquency cases and social services in child protection cases) to notify the court within five days of any violation.*
- 2. Impose a forfeiture (plus costs and surcharges) up to \$50 for a first offense and \$100 for a second offense within 12 months subject to a maximum cumulative forfeiture of \$500 for all violations committed within a school semester. The forfeiture, costs, and assessments may be imposed on the juvenile, his/her parents or guardians, or both.*
- 3. Order the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service,*

and other programming of the center. Wis. Stats. § 938.34(5g) applies to any community service work performed by a person under this subsection.

- (b) *Upon a finding that a person is a habitual truant, the court may enter an order making one or more of the following dispositions:*
1. *Suspend the person's motor vehicle operating privilege for not less than 30 days nor more than one year. The court may immediately take possession of the suspended license and destroy it.*
 2. *Order the person to participate in counseling or a supervised work program or other community service work as described in § 938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this subsection acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on that person.*
 3. *Order the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his home if the person is accompanied by a parent or guardian.*
 4. *Order the person to attend an educational program under § 938.34(7d), Wis. Stats.*
 5. *Order the Department Of Workforce Development to revoke, under Wis. Stats. § 103.72, a permit under Wis. Stats. § 103.70 authorizing the employment of a person. (Juveniles under 16 only.)*
 6. *Order the person to be placed in a teen court program if all of the following conditions apply:*
 - a. *The Chief Judge of the judicial administrative district has approved a Teen Court Program established in the person's county of residence and the Judge determines that participation in the Teen Court Program will likely benefit the person and the community.*
 - b. *The person admits or pleads no contest in open court, with the person's parent, guardian or legal custodian present, to the allegations that the person violated the municipal ordinance enacted under Wis. Stats. § 118.163(2).*
 - c. *The person has not successfully completed participation in a Teen Court Program during the two years before the date of the alleged municipal ordinance violation.*
 7. *Order the juvenile to attend school or an educational program. If school attendance is ordered, Court Clerks must notify the school designee (e.g., school principals) about the court order requiring the student to attend school and the order must specify what constitutes a*

- violation of an attendance requirement. The order will direct the school or the agency responsible for supervising the student (e.g., social services or Department of Corrections in delinquency cases and social service in child protection cases) to notify the court within five days of any violation.*
- 8. Impose a forfeiture of not more than \$500 plus costs, subject to Wis. Stats. § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parent or guardian of the person, or both. No witness fees may be assessed against the juvenile.*
 - 9. Order the person to comply with any other reasonable conditions that are consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other juveniles or adults.*
 - 10. Place the person under formal or informal supervision, as described in Wis. Stats. § 938.34(2), for up to one year.*
 - 11. Order the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center. Wis. Stats. § 938.34(5g) applies to any community service work performed by a person under this subsection.*
 - 12. Order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.*
- (4) Orders against parent, guardian or legal custodian. No order requiring payments to be made by any parent, guardian or legal custodian under this chapter may be entered until the parent, guardian or legal custodian is given an opportunity for a hearing. The court notice will state time, place and purpose of the hearing and to be served on the parent, guardian or legal custodian at least 10 days before the hearing date. At the hearing, the parent, guardian or legal custodian may be represented by counsel and may produce and cross-examine witnesses. Any parent, guardian or legal custodian who fails to comply with the hearing order issued by the court may be proceeded against for contempt of court.*
- (5) School attendance. If school attendance under this chapter is a condition of an order, the order will specify what constitutes a violation of the condition. The school district, or the governing body of the private school must notify the court or if the person is under the supervision of an agency, the agency is to notify the court within five days of any violation of the condition.*
- (6) Prerequisites for conviction of compulsory school attendance violations. No parent or other person having control of a child may be found guilty of violating this section, unless appropriate personnel of the school or school district in which the child is enrolled have, within one year prior to the commencement of prosecution under this section, done all of the following:*

- (a) Met with the pupil's parent or guardian to discuss the pupil's truancy, or attempted to do so and had been refused;*
- (b) Provided an opportunity for educational counseling to the pupil to determine whether a change in the curriculum would resolve the pupil's truancy and considered curriculum modifications under Wis. Stats. § 118.15(1)(d);*
- (c) Evaluated the pupil to determine whether learning problems may be a cause of the pupil's truancy and, if so, taken steps to overcome the learning problems; and*
- (d) Conducted an evaluation to determine whether social problems may be a cause of the pupil's truancy and, if so, taken appropriate action or made appropriate referrals.*

11. In § 9.165(1) the definition of “bullying” has been amended to read: “A form of harassment defined as an intentional course of conduct which is likely to emotionally abuse, slander, threaten or intimidate another person.”

12. Section 9.17 is amended to read:

- (1) Definitions. For purposes of this section, the following terms shall have the meaning indicated:*

CONTROLLED SUBSTANCE — A drug, substance or immediate precursor included in schedules I to V of subchapter II of Chapter 961 of the Wisconsin Statutes.

CONTROLLED SUBSTANCE ANALOG

- (a) A substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance included in schedule I or II of subchapter II of Chapter 961 of the Wisconsin Statutes and: (1) Which has a stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II; or (2) With respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II.*
- (b) "Controlled substance analog" does not include: (1) A controlled substance; (2) A substance for which there is an approved new drug application; (3) A substance with respect to which an exemption is in effect for investigational use by a particular person under 21 U.S.C. § 355 to the extent that conduct with respect to the substance is permitted by the exemption; or (4) Any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.*

DRUG PARAPHERNALIA

- (a) *"Drug paraphernalia" means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog.*
- (b) *"Drug paraphernalia: includes, but is not limited to, any of the following: (1) Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance or controlled substance analog can be derived. (2) Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs. (3) Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant that is a controlled substance. (4) Testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs. (5) Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances or controlled substance analogs. (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances or controlled substance analogs. (7) Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana. (8) Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances or controlled substance analogs. (9) Capsules, balloons, envelopes and other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances or controlled substance analogs. (10) Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances or controlled substance analogs. (11) Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as: (a) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls; (b) water pipes; (c) carburetion tubes and devices; (d) smoking and carburetion masks; (e) roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; (f) miniature cocaine spoons and cocaine vials; (g) chamber pipes; (h) carburetor pipes; (i) electric pipes; (j) air-driven pipes; (k) chilams; (l) bongs; (m) ice pipes or chillers.*
- (c) *"Drug paraphernalia" excludes: (1) Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the*

human body. (2) Any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products.

PRIMARILY — Chiefly or mainly.

- (2) *Determination of drug paraphernalia. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following: (a) Statements by an owner or by anyone in control of the object concerning its use. (b) The proximity of the object, in time and space, to a direct violation of this chapter. (c) The proximity of the object to controlled substances or controlled substance analogs. (d) The existence of any residue of controlled substances or controlled substance analogs on the object. (e) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is designed for use or primarily intended for use as drug paraphernalia. (f) Instructions, oral or written, provided with the object concerning its use. (g) Descriptive materials accompanying the object that explain or depict its use. (h) Local advertising concerning its use. (i) The manner in which the object is displayed for sale. (j) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products. (k) The existence and scope of legitimate uses for the object in the community. (l) Expert testimony concerning its use. (m) In determining under this section whether an item is designed for a particular use, a court or other authority shall consider the objective physical characteristics and design features of the item. (n) In determining under this section whether an item is primarily intended for a particular use, a court or other authority shall consider the subjective intent of the defendant.*
- (3) *Possession of drug paraphernalia. (a) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog. (b) Any person who violates Subsection (3)(a) who is under 17 years of age is subject to a disposition under Wis. Stat. § 938.344(2e).*
- (4) *Manufacture or delivery of drug paraphernalia. (a) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog. (b) Any person who violates subsection (a) who is under 17 years of age is subject to a disposition under Wis. Stat. § 938.344(2e).*
- (5) *Delivery of drug paraphernalia to a minor. (a) Any person 17 years of age or over*

who violates Subsection (4) by delivering drug paraphernalia to a person 17 years of age or under who is at least 3 years younger than the violator may be subject to additional penalties and referred to the district attorney for criminal charges.

- (6) Exemption. This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Chapter 961 of the Wisconsin Statutes. This section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Chapter 961 of the Wisconsin Statutes.*
- (7) Penalties. Any person who violates Subsection (3), (4) or (5) above shall, upon conviction, be subject to a forfeiture under § 25.04 of this Code and, for violations by a person under the age of 17, the penalties available under Chapter 938 of the Wisconsin Statutes.*

13. Section 9.18(2)(c) is amended to read: “State statutes adopted. The provisions of §§ 254.92, 134.66 and 778.25(1)(a), Wis. Stats., are adopted by reference and incorporated herein.”

14. Former § 9.18(4), Swimming Pool, is repealed.

15. Section 9.20 is amended to read:

- (1) No person shall possess 25 grams or less of marijuana, as defined in Sec. 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.*
- (2) For purposes of this section, the following definition shall apply:*

PRACTITIONER

- (a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.*
 - (b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.*
- (3) This section does not apply to any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.*

16. Section 9.21 is amended to read: “Except as otherwise provided, the penalty for violations of the provisions of this chapter shall be as provided in § 25.04 of this Municipal Code.

Chapter 10, Public Nuisances.

1. Section 10.01 is amended to read: “No person shall cause, continue, maintain or permit any public nuisance within the Village.”
2. Section 10.03 is amended to read:

The following, as defined, are specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other nuisances coming within the definition of § 10.02:

ADULTERATED FOOD — All decayed or spoiled food or drink sold or offered for sale to the public.

AIR POLLUTION — The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Village.

BEE/WASP HIVES AND APIARIES — The keeping of any species of bee/wasp hives or apiaries within Village limits.

BREEDING PLACES FOR INSECTS OR VERMIN — Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, open garbage cans, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed.

NOXIOUS ODORS, ETC. — Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

STAGNANT WATER — All stagnant water in which mosquitoes, flies or other insects can multiply.

STREET POLLUTION — Any use of property which causes any noxious or objectionable liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.

WATER POLLUTION — The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

WEEDS and GRASS

- (1) *Weeds and grass on unimproved lands shall be kept cut to a height not to exceed 18 inches and six inches on areas within 20 feet of the street curb and within 10*

feet of undeveloped lots immediately adjacent to developed lots.

- (2) *Lawns on improved lots shall be maintained to a height not to exceed six inches. Weeds and grasses allowed to grow in excess of the height limitations imposed herein shall be deemed "noxious weeds" under § 66.0407, Wis. Stats., and the Village may cause all such weeds to be cut and removed and the cost thereof charged to the property owner. A property owner shall have five days from the date of notice or postmark to comply with the regulations on weeds and grasses.*
- (3) *Lands located in the A-1 Agricultural District or CO-1 Conservancy District, woods, and lawns with special areas identified as "prairie grasses" are exempt from these provisions. Berms installed for the purpose of erosion control as shown on an approved stormwater management plan shall be exempt from this requirement, as well as berms adjacent to undeveloped lots.*
3. Former § 10.04, Public nuisances offending morals and decency, is repealed.
4. Section 10.05 is amended to read:

Public nuisances affecting peace and safety include the following:

- (1) *Dangerous billboards, trees, etc. All trees, hedges, billboards or other obstructions which prevent a clear view of traffic approaching an intersection from cross streets.*
- (2) *Loud and unnecessary noises.*
 - (a) *All loud and discordant or unnecessary noises or annoying vibrations.*
 - (b) *Motor vehicle noise levels. No person shall operate a motor vehicle so as to cause unreasonable and excessive noise levels, whether by excessive acceleration or braking causing the tires to squeal, by excessive horn blowing, by excessive racing of the motor, by having a modified or inadequately maintained exhaust or braking system, or by any other means. Excessive noise caused by emergency situation maneuvers will not be ticketed when the operator is attempting to avoid a collision with a pedestrian, animal, fixed object, or other motor vehicle. Emergency situations are defined as circumstances which could not reasonably be foreseen by an alert motor vehicle operator.*
- (3) *Barbed wire. All fences constructed, wholly or in part, of barbed wire which are located within three feet of any public street, alley or sidewalk.*
- (4) *Dangerous excavations. All open or unguarded wells, cisterns, pools or excavations so located as to endanger public safety or the safety of children.*
- (5) *Damaged buildings. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding 1/2 their original value and which are so situated as to endanger the safety of the public.*
- (6) *Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.*
- (7) *Unauthorized traffic signs. All unauthorized signs, signals, markings or devices*

which purport to be or may be mistaken as an official traffic control device placed or maintained upon or in view of any public highway, street, alley or railway crossing.

- (8) Low-hanging signs. All hanging signs, awnings and other similar structures over the streets, alleys or public ways of the Village so situated or constructed as to endanger the public safety.*
- (9) (Reserved)*
- (10) Machinery. All dangerous, unguarded machinery in any public place or so situated or operated on private property.*
- (11) Rainwater; ice; snow. The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.*
- (12) Horses. All horses on any public sidewalk.*
- (13) Dangerous animals. Owning, keeping or harboring of any dangerous animals is a public nuisance. Any animal deemed dangerous and not properly restricted as set forth under § 12.08(10)(e) shall be considered a public nuisance and a matter of public interest pertaining to the health, safety, and welfare of residents of the Village of Mount Horeb.*

5. Section 10.06(1) is amended to read as follows:

- 1) Definitions. Words and phrases, relating to public nuisances affecting property values, not herein otherwise defined shall have the meanings accepted by common use.*

BLIGHTING INFLUENCE — A condition having an adverse effect on surrounding properties.

DEBRIS — Broken concrete, bricks, blocks, or other mineral matter, bottles, porcelain and other glass or crockery, boxes, lumber, posts, sticks, or other wood, paper, rags, cardboard, rubber, plastic, wire, tin and metal items, discarded household goods or appliances, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon a neighborhood or the Village of Mount Horeb in general.

JUNK — Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle, garden tractor, lawn mower or snow blower, or other machinery of any kind, or any part thereof, whether salvageable or not. An unlicensed motor vehicle shall be construed to be a junked motor vehicle.

VEHICLE — Any automobile, truck, van, recreational vehicle, bus, race car, motorcycle, snowmobile, tractor, boat, or trailer. All-terrain vehicles, riding lawn mowers, and lawn tractors are considered vehicles and limited as described in Subsection (2)(f).

6. Section 10.06(2)(f)1 is amended to read: “Four vehicles per single-family residence.”
7. Section 10.06(2)(j) is amended to read as follows: “Parking construction equipment on any public street or on private property, unless such equipment is being used for an active construction project in the Village and it is parked at the construction site.”
8. Section 10.07(4) is amended to read: “Construction sites. The provision of this subsection shall not prevent the use of shipping containers, trailers, or similar conveyances to be used temporarily as substitutes for buildings on construction sites during construction; provided, however, in no event shall temporary substitutes for buildings remain 30 days after cessation or completion of construction and shall be removed within 10 days after final completion.”
9. Section 10.07(7) is amended to read: “Tents. Tents shall not be used as substitutes for principal buildings or as accessory buildings, except when erected in accordance with applicable state and local codes. A tent may be used for the conducting of retail sales for a period not to exceed 20 days in each calendar year.”
10. Section 10.10(1) is amended to read: “Enforcement. The Police and Fire Chiefs, Building Inspector, Village Forester, and Director of Public Services shall enforce those provisions of this chapter that come within the jurisdiction of their offices and make periodic inspections and inspections upon complaint to ensure that such provisions are not violated.”
11. Section 10.10(5) is amended to read: “Court order. The Police and Fire Chiefs, Building Inspector, Village Forester, and Director of Public Services are authorized to inspect premises and/or property pursuant to this section. The Police and Fire Chiefs, Building Inspector, Village Forester, and Director of Public Services shall first request permission to enter the premises and/or property. If permission is denied or if the premises and/or property are vacant, the Police and Fire Chiefs, Building Inspector, Village Forester, and Director of Public Services shall obtain a special inspection warrant pursuant to § 66.0119, Wis. Stats., before inspecting the premises and/or property. Nothing in this section shall prevent a police officer, firefighter, or other public employee or official to enter premises and/or property in an emergency situation when authorized to do so by law.”
12. Section 10.15 is amended to read: “The penalty for violation of this chapter is provided in § 25.04 of this Municipal Code.”

Chapter 11, Public Health and Welfare.

1. Section 11.005(1) is amended to read: “General. Under the Southwest Dane County Senior Outreach Program, the Director, Case Managers and the Nutrition

Site Manager shall provide senior adults of the Southwest Dane County region with advice, assistance, or other appropriate services in an effort to improve the quality of life.”

2. Former § 11.01, Board of Health, is repealed.
3. Former § 11.02, Health Officer, is repealed.
4. Former § 11.03, Abatement of health nuisances, is repealed.
5. Section 11.04(1) is amended to read: “When connection required. When a sewer or water main becomes available to any building used for human habitation, the responsible Village department shall notify, in writing, the owner or the owner's agent to connect the building to such main or mains, and to install such facilities as may be reasonably necessary. With respect to an available sewer main, the responsible Village department shall notify the owner of the requirement to connect to the sewer main within the time period prescribed under § 13.32(4). The manner of connection shall be prescribed by the responsible Village department.”
6. Section 11.04(2) is amended to read: “Village may cause connection at expense of owner. If the owner or the owner's agent fails to comply with the notice from the responsible Village department with respect to an available water main within 10 days of service or mailing thereof, the notifying department may cause connection to be made and the expense thereof assessed as a special tax against the property. If the owner or the owner's agent fails to comply with the notice of the responsible Village department with respect to an available sewer main within the appropriate time period prescribed under § 13.32(4), including an alternative time period agreed to by the Utility Commission, the responsible Village department may cause connection to be made and the expense thereof assessed as a special tax against the property.”
7. Section 11.04(3) is amended to read: “Installment option. The owner or his agent may, within 30 days after completion of the work, file a written statement with the Village Clerk stating that he cannot pay the cost of connection in one sum and electing that the sum be levied in five equal annual installments with interest at the current legal rate per annum from the completion of the work.”
8. Section 11.04(5) is amended to read: “Penalty. The penalty for violation of this section is provided in § 25.04 of this Municipal Code.”
9. Section 11.05 is amended to read: “All structures, pens, buildings, stables, coops or yards in which animals or fowl, including chickens, are kept within the Village must be maintained in a clean and sanitary condition and free of all rodents, vermin and objectionable odors. Structures must be painted annually. Roosters are not allowed within the Village. The penalty for violation of this section is provided in § 25.04 of this Municipal Code.

10. Former §11.06, Improper refuse disposal, is repealed.
11. Former § 11.07, Health Officer may enter suspect premises, is repealed.
12. Former § 11.08(2), concerning vaccination of dogs for educational or scientific purposes, is repealed.
13. Section 11.08(3) is amended to read: “Certificate of rabies vaccination. The owner of a dog or cat shall obtain a rabies vaccination certificate issued by the veterinarian at the time of vaccination. The certificate shall bear a serial number and be in the form set by the Wisconsin Department of Agriculture, Trade and Consumer Protection.”
14. Section 11.08(7)(a)1 is amended to delete specific fee amounts.
15. Section 11.09(8) is amended to read: “Billing and collection. Garbage and recycling charges established by the Village are billed monthly as part of the utility bill for the dwelling unit. Charges are subject to the due date indicated on the bill and subject to penalty on any unpaid balance. Per Wisconsin State Statutes, any unpaid balance becomes a special charge against the property and placed on the tax roll as a delinquent tax.”
16. Section 11.09(9)(a) is amended to read: “Enforcement. The Public Services Director shall be responsible for the administration and enforcement of this section. Village law enforcement officers and the Public Services Director are authorized to issue citations for violations of any provision of this section.”
17. Former § 11.10, Violations and penalties, is repealed.
18. Section 11.11(2)(b) is amended to read: “Penalties. The penalty for any person found to be in violation of any section or provision of this chapter is provided in § 25.04 of this municipal code.”

Chapter 12, Licenses and Permits.

1. Section 12.01 is amended to delete specific fee amounts and refer to the Village Fee Schedule.
2. Sections 12.02(1), (2), (4), (6), (7), (8), (9), (10), (11) are amended to read:
 - (1) *The Village Clerk provides and issues all applications for licenses or permits.*
 - (2) *Fees to be paid in advance. The amount of the license or permit fee shall be paid to the Village.*
 - (3) Former Section 12.02(3), Signing and notarizing, is repealed.

- (4) *Consideration and hearing. If required, the Village Clerk shall present the application to the Village Board at its next meeting, after appropriate staff completes their review of the application. The Village Board will allow all persons the opportunity to be heard either for or against the granting of any license or permit.*
- (5) NO CHANGE
- (6) *Issuance by administrative authorities. When administrative authority to issue any license or permit is delegated to any Village officer, board or commission under the terms of this chapter, such officer, board or commission shall grant such license or permit when proper application has been made in accordance with the provisions of this chapter unless the granting of the same appears to be contrary to the health, safety, morals or general welfare of the public, in which case the reasons for denial shall be put in writing and delivered or mailed to the applicant. The applicant may, at any time within 30 days, appeal that decision to the Village Board. The Village Board shall take up the matter at its next regularly scheduled meeting. The decision of the Village Board is final.*
- (7) *Conditions of issuance. Before any license or permit shall be issued under the provisions of this chapter, the Village Clerk shall check all Village records to determine whether or not any applicant is in arrears for taxes or any other obligation to any department of the Village. If the Clerk finds any applicant to be in arrears for taxes or any other obligation owed the Village, the issuing officer or department may withhold any and all licenses and permits for which application has been made until such taxes or obligations have been paid in full.*
- (8) *Transfer of license or permit. Licenses or permits shall not be transferable from one person to another but may be transferred from one location to another by approval of the Village Board. The fee provided in the Village Fee Schedule shall be charged for the transfer.*
- (9) *Replacement of lost or destroyed license or permit. If a license or permit is lost or destroyed, a duplicate may be issued by the Village Clerk. Duplicate license or permit fees are provided in the Village Fee Schedule.*
- (10) *Revocation of licenses or permits. Any license or permit issued by the Village may be revoked by the Village Board. Prior to revocation, the license or permit holder shall be given an opportunity to be heard by the Village Board. Notice of the hearing shall be given to the permit or license holder either personally or by registered mail by the Village Clerk. Any license or permit issued by the Village shall remain the property of the Village, and upon revocation thereof the license or permit shall be returned to the Clerk's office. Any person failing to return any license or permit after revocation shall be deemed in violation of the provisions of this chapter. Whenever any license or permit is revoked, no refund of any unearned portion of the fee paid will be made.*
- (11) *Penalties. The penalty for violation of this chapter is provided in § 25.04 of this Municipal Code.*

3. Former § 12.03(3)(c), Wholesaler's fermented malt beverage license, is repealed.
4. Section 12.03(4)(b) is amended to read:
Application to be notarized. Applications prepared by the Village shall be signed and sworn by the applicant as provided by § 887.01, Wis. Stats.
5. Section 12.03(4)(d)3 is amended to read:
 3. *The Clerk is authorized to grant and issue provisional retail licenses for Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor or "Class C" wine licenses under § 125.185, Wis. Stats., and provisional operator's licenses under § 125.17, Wis. Stats., following the standards shown below:*
 - a. *The applicant must meet all the qualifications for issuance of the license except for the completion of the responsible beverage server training course. The applicant must show proof that he or she has enrolled in the course.*
 - b. *The licensed premises on the application must meet all requirements of the Municipal Code, including zoning, and Ch. 125, Wis. Stats.*
6. Section 12.03(6) is amended to read: “Form and expiration of licenses. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, fee paid and the name of the licensee and shall expire on June 30 each year except as otherwise provided. The clerk shall submit a list of license holders to the Department of Revenue as required by §125.04(4), Wis. Stats.”
7. Section 12.03(10) is amended to read:

(10) Closing hours. No premises for which a wholesale or retail liquor or fermented malt beverage license has been issued shall remain open for the sale of liquor:

 - (a) If a retail Class A fermented malt beverage or intoxicating liquor license, between 12:00 midnight and 6:00 a.m.*
 - (b) If a retail Class B license (on-/off-premises or carryout), between 2:00 a.m. and 6:00 a.m. on weekdays and between 2:30 a.m. and 6:00 a.m. on Saturdays and Sundays. On January 1, premises operating under a Class B license are not required to close, but the prohibition on sales for off-premises consumption between 12:00 midnight and 6:00 a.m. remains in effect.*
 - (c) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, golf courses, golf clubhouses, movie theaters, grocery stores and convenience stores, painting studios and*

premises for which a temporary Class "B" license is issued under § 125.56(6), Wis. Stats., may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages may be sold during prohibited hours.

8. Former § 12.031, Economic development grant; reserve "Class B" liquor licenses, is repealed.
9. Section 12.04(1) the second paragraph is amended to read: "There shall be an annual permit required for business establishments that offer outdoor musical entertainment on the permit's designated premises, as provided in the Village Fee Schedule, provided no prerecorded music or musical instrument is connected to a microphone or other amplifying device. The musical entertainment shall be allowed with the granting of an entertainment permit and shall be limited to the hours of 10:00 a.m. to 9:00 p.m., Sunday through Thursday, and 10:00 a.m. to 11:00 p.m., Friday and Saturday."
10. Section 12.04(2)(c) is amended to read: "Inspection. The Village Clerk shall notify the Village Chief of Police and Building Inspector, who may each conduct an inspection, to determine whether the place and application complies with the applicable regulations, ordinances, and laws."
11. Section 12.04(2)(d) is amended to read: "Consideration and action. The Village Clerk shall consider all license applications and may grant, grant with conditions or deny the application. Application exceptions require Village Board approval."
12. Section 12.04(3) is amended to read:
 - (3) *Restrictions on granting licenses.*
 - (a) *No license shall be issued under this section unless that the proposed location complies to all ordinances, health and fire regulations. A license shall be refused to any applicant or applicants who shall have had a license issued under this section revoked within two years of the date of application, or to any person who has been convicted of a felony.*
 - (b) *No license shall be issued for any public amusement or show to take place within a residential district. No license will be granted to a person under 21 years of age or renewed without reinspection of the premises. If an application is denied there is a minimum six-month waiting period until applicant can reapply unless the applicant can show the reason for the objection no longer exists.*
13. Section 12.06(3)(a) is amended to read: "An application for a street use permit must be filed with the Village Clerk."
14. Section 12.06(4) is amended to read:

(4) Application deadline and review.

(a) An application to close three or more blocks; or to close a street or streets which requires substantial rerouting of vehicular traffic; or which shall be longer than one day, must be submitted not less than 60 days prior to the beginning date of the proposed event. Applications will be reviewed at the next regular Village Board meeting. The Village Clerk shall issue the permit after approval of the Village Board.

(b) An application to close less than three blocks shall be submitted not less than 14 days prior to the beginning date of the proposed event. The application will be reviewed by the Chief of Police prior to final approval by the Village Administrator. The Village Clerk will issue the permit after approval of the Village Administrator.

(c) Alcohol beverage permit. If the applicant requests permission to sell beer or wine on a public street, the applicant shall submit an application for temporary Class "B"/"Class B" retailer's license to the Village Clerk and follow the requirements under §§ 125.26(6) or 125.51(10), Wis. Stats.

(d) Sound amplification. The use of sound amplification equipment may be approved as part of the street use permit, except that the use of sound amplification equipment may only be approved between 10:00 a.m. and 9:00 p.m.

(e) Notification. Applicant must make a reasonable attempt to notify all residences and businesses that may be impacted in the area included in the street use permit. Evidence of this notification may be required by the Village Administrator or Village Board.

(f) Permit fee. A nonrefundable permit fee as established in the Village Fee Schedule shall be paid with the street use permit application. If the application is for more than one event, a permit fee is due for each event. Any additional costs for the use of Village equipment or staff time will be estimated at the time of approval of the permit and must be paid prior to the issuance of the permit. Any additional actual costs incurred by the Village for the event must be paid by the applicant within 20 days of billing. The Village may waive the permit fee for charitable organizations.

15. Section 12.06(5) is amended to read:

(5) Regulations for issuance. The following regulations, in addition to any other mandatory requirements, shall govern the issuance of street use permits. In the case of a street use permit requested solely to facilitate access to an event occurring off the street, the "event" for purposes of these standards shall be those activities reasonably expected to take place within the street(s) to be closed. A street use permit shall be issued to an applicant unless:

(a) The time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location;

- (b) The number of participants at the event would interfere with fire and police protection or other emergency service to the event or to areas adjacent to the event location;*
- (c) The estimated number of participants or the size or type of event equipment is not sufficient to close a street and there is an alternative available;*
- (d) Another street use permit has already been granted for substantially the same time and location;*
- (e) The size or time of the event would require a diversion of Village police, fire and other emergency staff as to prevent normal protection of the Village or to prevent adequate protection at another previously scheduled event;*
- (f) The event is reasonably likely to cause injury to persons or property and there is inadequate planning for crowd control of participants;*
- (g) Adequate sanitation or other necessary health facilities will not be available at the event;*
- (h) There is an insufficient number of parking places within a reasonable distance or inadequate alternative parking or transportation options to accommodate the number of vehicles expected;*
- (i) The time, size or nature of the event is incompatible with the normal activity at that location intrudes on the comfort and convenience of the residents;*
- (j) The proposed use or event will have a significantly adverse environmental impact;*
- (k) The applicant has provided fraudulent information on the application;*
- (l) The applicant has a balance owed to the Village for unpaid fees related to a previous street use permit;*
- (m) The proposed street use does not comply with the following minimum safety restrictions:*
 - 1. At least one emergency vehicle access lane a minimum of 16 feet wide, free of obstacles, shall be maintained at all times.*
 - 2. At least one walkway for pedestrian access at least eight feet wide shall be maintained at all times.*

16. Section 12.06(7) is amended to read: “Termination of a street use permit. A street use permit for an event in progress may be terminated by the Chief of Police, Fire Chief, or designees if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety or if there is a violation of any condition of the permit.”

17. Section 12.06(8) is amended to read: “Clean-up requirements. Before the street use permit expires, the applicant shall be responsible to return the street to the

- condition that existed prior to the event or activity. In the event the applicant fails to restore the area to good condition, the Village shall perform the work and bill to the applicant for the cost of the work.”
18. Section 12.07(2)(d) is added to read: “An entity whose primary business operation is not located in the Village and which primarily transports individuals to and from the Village, and not within the Village, is not required to obtain a taxicab business license.”
19. Section 12.07(4)(b) is amended to read: “Before an application for a taxicab business license is approved, the Chief of Police, or his or her designee, shall inspect each vehicle to be operated as part of the taxicab business. Any defect found by the inspection shall be corrected before a license is issued. The applicant or licensee shall pay an administrative fee as provided in the Village Fee Schedule, plus the actual cost of inspection for each vehicle inspection.”
20. Section 12.07(12) is amended to read: “Vehicle inspection. By applying for and obtaining a taxicab business license, the licensee agrees to allow the Police Department to inspect any vehicle used as a taxicab at any time while the permit is valid and agrees to correct any defect found in the mechanical or other equipment of the automobile. Failure to correct any defect shall be cause for revocation of the license.”
21. Section 12.07(13) is amended to read: “Vehicle condition. All taxicab business licensees under this section shall keep all vehicles in clean and sanitary condition at all times and keep the vehicles in proper repair and maintenance.”
22. Section 12.07(14)(a) is amended to read: “Every vehicle used shall be conspicuously marked on the right and left sides of the vehicle with the name of the owner and vehicle permit number. The letters and numbers must be at least three inches in length and height, and be of a light color on a dark background, or dark color on a light background. No vehicle shall be used for carrying passengers until the foregoing provisions have been complied with.”
23. Section 12.07(14)(c) is amended to delete “or flashing”
24. Former §12.075, Neighborhood electric vehicles, is repealed.
25. Section 12.08(2) is amended to read:
- (2) Definitions. In this section, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:*
- AT LARGE — To be off the premises of the owner and not under the control of the owner or the owner's designee, either by lease or otherwise.*

DEPARTMENT—The Police Department in the Village of Mount Horeb.

IMPOUNDMENT — The confinement of an animal in a Police Department approved, supervised facility such as a veterinarian's kennel, commercially operated kennel or the county pound. [See § 12.08(14)].

OWNER—Any person owning a dog or cat (animal).

OWNER'S DESIGNEE — Person responsible for harboring, keeping, or otherwise caring for an owner's animal for any period of time.

PERMIT — The otherwise unregulated right to keep an animal not covered by a requirement for a municipal license or permit.

26. Section 12.08(3), (4), (9), (10), (11), (12), (13)(b), (c), (d), (14) is amended to read:

- (3) *License application. On or before the date that a dog or cat becomes five months of age, the owner shall apply for a dog or cat license. Dog or cat license applications shall be made and fees paid to the Village Clerk. The Village shall maintain records of all licenses applied for and issued.*
- (4) *Annual license fee. An annual dog or cat license fee shall be set by resolution of the Village Board and is provided in the Village Fee Schedule.*
- (5) ...
- (6) ...
- (7) ...
- (8) ...
- (9) *Unlicensed dogs and cats. Any unlicensed dog or cat may be impounded by the Police Department. Any dog or cat found to be at large without a license tag attached to its collar shall be presumed to be unlicensed. Release of the animal may be obtained by paying the impound fee, boarding fees and any other actual impoundment cost incurred by the Village.*
 - (a) *Owners of unlicensed dogs and cats will be given 15-day notice to obtain a license or face penalty.*
- (10) *Restrictions on keeping of dogs and cats. No person within the Village shall own, harbor or keep any animal which:*
 - (a) *Habitually pursues any vehicle on any public street, alley or highway in the Village.*
 - (b) *Attacks any person.*
 - (c) *Is known to be of vicious disposition. An animal is deemed to be of vicious disposition if it bites or inflicts serious injury to a person in unprovoked circumstances.*
 - (d) *Kills, or attempts to kill, any domestic animal or songbirds, but not*

including rodents such as mice, gophers or moles.

- (e) Is at large within the limits of the Village.*
- (f) While at large does any of the following:*
 - 1. Deposits fecal matter.*
 - 2. Enters any building, including residences, garages, accessory buildings, vehicles, and children's playhouses.*
 - 3. Attacks or destroys in any way the property of another.*
- (g) Is known to be infected with rabies or to have been bitten by an animal infected with rabies.*
- (h) Habitually disturbs the peace and quiet of any person. If a complaint is received and sustained by the Police Department on three or more separate occasions, the animal will be deemed a nuisance.*
- (i) Commits a nuisance as defined in § 10.02 of the Municipal Code.*

(11) Duty of owner and owner's designee.

- (a) In cases of dog or cat bite: Immediately report the bite to the Police Department and keep such dog or cat confined for not less than 14 days or for the period of time as the Police Department directs. The owner or designee of any such dog or cat shall surrender the dog or cat for examination to the Police Department upon demand.*
- (b) Dog/cat feces.*
 - 1. Persons walking dogs or cats required to remove fecal matter. The owner or owner's designee will remove and dispose of any fecal matter deposited on any street, alley or other public or private property immediately. No person shall walk a dog or cat beyond the limits of his own property without having in his possession an item designed to pick up and remove fecal matter.*
 - 2. Accumulation of fecal matter prohibited on private yards. The owner or owner's designee shall not allow the accumulation of dog or cat feces on his own property.*

(12) Killing of dogs and cats. Any police officer or animal control officer of the Village may kill any dog or cat which is in the process of assaulting or attacking any person or any domestic animal or if the officer deems such an attack imminent. The owner, if known, will be notified.

(13) Impounding of dogs and cats (animals).

- (a)*
- (b) After such dog, cat, or other animal has been impounded, the impounding officer shall make an attempt to notify the owner of the dog, cat, or other animal. The animal will be held at the Mount Horeb Police Department for a period of one hour to give the officer an opportunity to contact the owner and the owner an opportunity to report the animal as missing. In the event the owner calls to retrieve the animal, the officer may release the animal to the owner. If, after the one-hour time frame the owner of the animal has not been*

identified, the Dane County Humane Society will be contacted and arrangements will be made for an animal control officer to respond to the Police Department to take custody of the animal.

- (c) The Police Department may issue the owner a citation for the animal being at large. Additional citations may be issued in the event the animal is not licensed, etc.*
- (d) Any animal turned over to the Dane County Humane Society will be held, released, or disposed of according to their rules and regulations in addition to the fine imposed by the Village of Mount Horeb.*

(14) Dangerous dogs and cats. Regulation of dangerous animals is a matter of public interest pertaining to the health, safety, and welfare of residents of the Village. The Village of Mount Horeb adopts Dane County Dangerous Animals Ordinance 47.18. Animal Services of Madison and Dane County are authorized to enforce Ordinance 47.18 within the Village limits.

27. Section 12.09(3) is amended to read:

- (3) Application procedure.*
 - (a) Application for a sidewalk cafe permit, including the annual permit fee, shall be filed with the Village Building Inspector. The application shall contain required information including a scale drawing of the site, showing the location of all trees, poles, benches, grates, and other amenities or obstructions, and the exact type, size, and location of the proposed furniture, fences, and other vending equipment.*
 - (b) The applicant shall furnish a certificate of insurance, which indicates the existence of comprehensive general liability insurance with the Village of Mount Horeb being named as an additional insured and liability limits of not less than \$500,000 per claim and \$1,000,000 annual aggregate. The certificate shall provide 30 days' written notice to the Village prior to cancellation, nonrenewal, or material change to the policy.*
 - (c) All permits shall expire on April 14. To renew an existing sidewalk cafe permit, the permit holder who meets all applicable requirements need only submit to the Building Inspector a completed renewal application, along with the appropriate annual fee and certificate of insurance. If the permit holder proposes changes to the site, the application shall be processed in the same manner as an initial sidewalk cafe permit application.*

28. Section 12.09(4)(b) is amended to read: "No portion of a sidewalk cafe shall be permitted within a ten-foot radius of a fire hydrant, curb-out or marked crosswalk."

29. Section 12.09(4)(i) is amended to read: “All sidewalk cafes shall be maintained in a clean and hazard-free condition at all times. Garbage cans must be emptied daily.”

30. Section 12.09(5)(b), (c) and (d) is amended to read:

(b) Hearing shall be held by the Village Board. The permit holder shall be notified in writing of the charges at least 10 calendar days prior to the hearing. At the hearing, the Building Inspector, or the Building Inspector's designee, shall present evidence of the alleged violation. The permit holder shall have the opportunity to question witnesses, may call witnesses on their own behalf, and may be represented by counsel.

(c) After due consideration, the Village Board may suspend the permit for a period not to exceed six months, or revoke or not renew the permit for a period not to exceed one year. The violator shall be notified in writing of the findings and determination of the Village Board.

(d) The decision of the Village Board shall be a final determination and shall be subject only to judicial review as may be provided by law. Any person aggrieved by the Village Board decision hereunder may seek judicial review within 30 days of the date of the final decision.

31. Section 12.095(1)(b)6 is amended, subsections 7 through 12 are deleted and subsequent subsections renumbered. “6. Communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, and trichomoniasis.”

32. Section 12.095(2) the definition of “BOOTH, ROOM, or CUBICLE” is amended by the deletion of a reference to “Ch. 50, Wis. Stats.”

33. Former Section 12.095(4)(d) is repealed.

34. Section 12.095(9)(f) is amended to insert “3/4” in front of “inch.”

Chapter 13, Municipal Utilities.

1. Section 13.01(5)(b) is amended to read:

(b) Employees.

1. Utility Manager. The Commission shall appoint a Utility Manager and provide for the authority of the manager to act on behalf of the Commission.

2. Delegation of authority. The Commission may delegate its appointment and hiring authority under this subsection, along with its authority to fix compensation to the Board or Utility Manager.

2. Section 13.01(5)(d) is amended to read: "Contract. The Commission shall have full authority to let bids and enter into contracts in the name of the Village."
3. Section 13.01(6) is amended to read: "Utility expenses. Utility expenses shall be reviewed and authorized for payment by the Commission at its regular meeting."
4. Section 13.01(7) is amended to read: "Receipts and accounting. All receipts paid to the utilities shall be deposited and the record of deposit shall be given to the Treasurer. Separate accounts. will be maintained for each utility and are subject to disposition by the Commission or its designee."
5. Section 13.01(8) is amended to read: "The terms "management and control" or "management and operation" shall include, without limitation by enumeration, all authority related to the utility properties of the Village, and all authority related to managing the public utilities, except as specifically withheld by statute."
6. Section 13.06(2)(b) is amended to read: "Where the amount assessed against any one lot or parcel of land for installation of sewer mains in accordance with Subsection (1) exceeds \$500, the property owner, after assessment has been determined, shall have the option of paying the assessment in five equal annual installments. Unpaid balances will accrue interest at an annual rate to be determined by the Village Board, by notifying the Village Treasurer by October 1 before the assessment has been placed on the tax roll."
7. Section 13.06(4) is amended to read: "Assessments on real estate to be conveyed. When any interest in real estate on which a special assessment has been levied is transferred, full payment of the total balance due, including all installments plus accrued interest, if any, shall be made at or prior to the transfer. In the event of nonpayment, the full balance due shall be placed on the next succeeding Village tax roll and interest shall be due from January 1 of that year."
8. Section 13.11 is amended to read: "No claims shall be paid by the Village as a Water Utility for damage to any pipe, fixture or appurtenance due to interrupted water supply, variation of pressure, or damage of any nature caused by turning the water supply off or for the extension, alteration or repair of any water main or supply, or for the discontinuance of the supply of water to any premises because of violation of any rules or regulations of the Utility or Village ordinances. No claims shall be allowed because of interruption of the supply caused by breaking pipes or machinery or stoppage for repairs, alterations or additions to the plant or system or because of fire or other emergency, and no refund shall be allowed to consumers for any temporary suspension of supply."
9. Section 13.12 is amended to read: "Upon receiving state approval, the Water Utility is hereby authorized and directed to provide the means and to proceed with the introduction of approximately 0.7 parts of fluoride to every million parts of water being distributed in the water supply system of the Village."

10. Section 13.13(2) is amended to read: “Coverage. All private wells located on any premises which is served by the public water system of the Village shall be properly filled. Only those wells for which a well operation permit has been granted by the Utility may be exempted from this requirement, subject to conditions of maintenance and operation.”

11. Section 13.13(3) is amended to read:

(3) Well operation permits. A permit may be granted to a well owner to operate a well for a period not to exceed one year if the following requirements are met.

Application shall be made on forms provided by the Utility.

(a) The well and pump installation meet the requirements of Ch. NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.

(b) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.

(c) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

(d) No physical connection shall exist between the piping of the public water system and the private well.

12. Section 13.30 is amended to read:

§ 13.30. Introduction and general provisions.

(1) This article regulates the use of public and private sewers and drains, disposal of holding tank wastes into the public sewers and the discharge of waters and wastes into the public sewer systems within the Village.

(2) This article provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees and the issuing of permits to certain users. The charges and fees have been established pursuant to requirements of Wisconsin law.

13. Section 13.31 is amended to: add definition of “DSPS,” delete definition of “DILHR,” and amend definitions of “Commission or Utility Commission” “wastewater, normal domestic strength.”

14. Section 13.33(3) is amended to read: “A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the County Sanitarian. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Sanitarian when the work is ready for final inspection and before any underground portions are covered.”

15. Section 13.34(1)(b) is amended to read: “Commercial, Industrial or Public Authority. The application shall include a statement giving the exact location of the premises, the purpose for the connection and such other information required by the Commission; together with an agreement by the owner and licensed master plumber that they will be bound by and subject to the lawful rules and regulations of the Commission, and shall pay the required connection fee. Upon approval of the application, the Commission, or its authorized agents or employee, shall issue a permit. No work of laying the building sewer shall be commenced without the required permit being on the premises. Each building sewer to be connected to a sanitary sewer shall be inspected by the Commission, or its authorized agent or employee, at the time of the connection.”

16. Section 13.34(2) is amended to read:

(2) *Connection fees.*

(a) *All permit fee must be paid prior to issuance of a sewer connection permit, or a building permit as provided in the Village Fee Schedule.*

(b) *Building modification; change in water service meter size.*

1. *If a building is modified so that additional residential units are created, the property owner shall pay an incremental sewer connection fee based upon the increase, as provided in the Village Fee Schedule.*

2. *If a water service meter size for a commercial, industrial or public authority building is increased, the property owner shall pay an incremental sewer connection fee based upon the increase, as provided in the Village Fee Schedule.*

17. Section 13.35(1)(a)6 is amended to change “sludges” to “biosolids.”

18. Section 13.35(1)(a)9 is amended to read: “Excessive Village collection and treatment costs or use of a disproportionate share of the Village's facilities, in the opinion of the Village's Sewer Utility.”

19. Section 13.35(1)(b)4 is amended to read: “Solid or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders, bathroom wipes (wet wipes) labeled as flushable or not.”

20. Section 13.35(2)(a)6 is amended to read: “Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.”

21. Section 13.35(2)(a)11 is amended to read:

- 11. Upon request, the Village may reserve wastewater treatment plan capacity for significant industrial contributors. Capacity reservation shall be made by agreement between the Village and the user. The user's name, the specific discharge limitations and other terms unique to a particular agreement may be set forth in this section. The user shall be subject to the penalties provided in § 13.40 of this chapter for violating the agreed upon discharge limitations.*
- a. Limitations related to treatment plant effluent. No person shall discharge any wastewater to the public sewerage system which, in combination with other discharges, results in a treatment plant effluent having concentrations exceeding the following limits:*
- | | |
|-------------------|---|
| <i>0.1 mg/l</i> | <i>Total phenols</i> |
| <i>0.005 mg/l</i> | <i>Free cyanides</i> |
| <i>0.002 mg/l</i> | <i>Polychlorinated biphenols (PCBs)</i> |
22. Section 13.35(2)(a)12 is added to read: “The Village requires all new and replaced water softeners be demand initiated regeneration and high salt efficiency in an effort to reduce chlorides in the sewer system.”
23. Section 13.35(5) is amended to read: “Pretreatment of industrial wastes. Industrial users may be required to pretreat their wastewater when necessary to protect the wastewater facilities or prevent discharge of incompatible pollutants. Construction, operation and maintenance of pretreatment facilities shall be at the expense of the user and operated by qualified personnel holding a license issued by the DNR with proper certification level and subclass.”
24. Section 13.35(6) is amended to read:
- (6) Limitations on discharge of holding tank wastes.*
- (a) Discharge into sewers. No person shall discharge any holding tank wastes directly into a manhole or other opening in a community sewer without a yearly permit issued and approved by the Village. The permit shall state the location, volume and characteristics of the discharge. The discharger shall pay all required fees to the Village, based on the discharge.*
- (b) Discharge at the treatment plant. Discharge of holding tank wastes shall be allowed at the wastewater treatment plant at place designated by the Village only when, in the judgment of the Village Engineer, the waste is of such unusual character or strength that rapid discharge into the sewerage system would have detrimental effects on the wastewater facilities. The user shall pay all required fees to the Village, based on the discharge.*
25. Section 13.35(8)(b) is amended to read: “Any new industry desiring to connect to the sewerage system shall apply to the Utility Commission or its designee for the connection. The Utility Commission or its designee may impose limitations on the industry's wastewater characteristics. Approval of the application will be subject

- to agreement between the Utility Commission or its designee and the industry on the specific wastewater characteristics which will be acceptable, pretreatment requirements and costs.”
26. Section 13.35(9)(b) is amended to read: “Purpose. The purpose of this section is to conserve water, promote the efficient use of the Village's sanitary sewer system, and promote and enhance the environment in and around the Village.”
27. Section 13.35(9)(c) is amended to read: “Water recycling required. All new car wash facilities constructed in the Village shall use the best available and feasible water recycling technology, as approved by the Utility Commission or its designee, to reduce the amount of wastewater discharged to the public sewerage system. No building permit shall be issued for a new car wash facility without prior Utility Commission approval of the recycling technology that will be used in the car wash facility. This subsection does not apply to existing car wash facilities or modifications prior to the effective date of this section.”
28. Section 13.35(9)(d) is amended to read: “Penalty. Any person, firm, or corporation violating any provision of this subsection shall be subject to the abatement process outlined in § 10.10 of this Code. The penalty for violation of this chapter is provided in § 25.04 of this Municipal Code.
29. Section 13.36(1) is amended to read:
- (1) Monitoring facilities. Wastewater shall be monitored to determine compliance with this article and to facilitate an equitable system of user charges.*
- (a) A new user who expects to discharge, or who is capable of discharging, wastewater different from domestic wastewater, shall install a monitoring facility.*
- (b) An existing use whose discharges are different from domestic wastewater may be required by the Village to install a monitoring facility. Construction of the facility shall be completed within 90 days after the user has been notified of the requirement, unless the Village grants an extension of time.*
- (c) All monitoring facilities shall be constructed at the owner's expense in accordance with plans approved by the Village. The monitoring facility shall contain the necessary meters and equipment to facilitate the observation, sampling and measurement of wastes, and maintained by the owner.*
30. Section 13.37(1)(b) and (c) are amended to read:
- (b) The service charges shall consist of the Village's user charges.*
- (c) Service charges collected shall be sufficient to pay all expenses of the Sewer Utility. Costs shall be distributed proportionately among user classes (residential, commercial, public and industrial).*

31. Section 13.38 is amended to read:

- (1) *SMG-1 General sewer service; metered. For domestic strength contributors (250 mg/l or less).*

 - (a) *Monthly service charge shall be as provided in the Village Fee Schedule.*
 - (b) *Volume charge, per 1,000 gallons discharged to the sanitary sewer, shall be as provided in the Village Fee Schedule.*
 - (2) *SMG-2 Commercial and industrial sewer service; metered. For strength contributors of 250 mg/l or greater.*

 - (a) *Monthly service charge. Same as Subsection (1) above.*
 - (b) *Volume charge shall be as provided in the Village Fee Schedule, according to the following factors:*

 1. *Volume, per 1,000 gallons.*
 2. *Biochemical Oxygen Demand (BOD), per pound, in excess of 250 mg/l.*
 3. *Suspended Solids (SS): per pound, in excess of 250 mg/l.*
 4. *Phosphorus: per pound, in excess of 7 mg/l.*
 - (3) *SUM-1 General sewer services; unmetered. Billed at the rate as provided in the Village Fee Schedule. If estimated usage is in excess of 5,000 gallons per month, an additional charge per 1,000 gallons will be made for estimated additional usage.*
 - (4) *Holding tank wastes.*

 - (a) *Rates for holding tank wastes for discharges in accordance with § 13.35(6) are as provided in the Village Fee Schedule, according to the following factors:*

 1. *Volume, per 1,000 gallons.*
 2. *Biochemical Oxygen Demand (BOD), per pound.*
 3. *Total Suspended Solids (TSS), per pound.*
 4. *Phosphorus, per pound.*
 - (b) *Without specific analyses, the concentration of BOD shall be assumed to be 600 mg/l, total suspended solids shall be assumed to be 1,800 mg/l, and phosphorus shall be assumed to be 200 mg/l. Based on the assumed values, the charge for holding tank wastes shall be as provided in the Village Fee Schedule, per 1,000 gallons. If desired by the licensed discharger, calculation of the charge based on measured values may be used. Analyses of samples shall be performed by a laboratory certified by the State of Wisconsin. Costs of analyses shall be borne by the discharger. In such case, the customer shall be charged an additional handling fee per month as provided in the Village Fee Schedule.*
32. Section 13.39(1) is amended to read: "Billing period. Unless otherwise specified in the contract for service, bills shall be processed monthly. The term "month" for such purpose shall mean the period between any two consecutive readings of

- meters. A late payment charge of 3% of the service charge will be added to bills not paid within 20 days of the billing date.”
33. Section 13.40(2) is amended to read: “Appeal procedure. Any person who objects to a notice of violation or a special order shall, upon request, be entitled to be heard by the Utility Commission with respect to the objection.”
34. Section 13.40(3)(b) is amended to read: “Disruption to sewage treatment plant operations caused by a domestic or industrial user, and reasonably traceable to that user by sampling station or other method, shall result in a levy against that user by the Utility Commission in amounts not exceeding \$1,000 per day with each day a separate offense.”
35. Section 13.50 is amended to read: “Expenditures of the Electric Utility, for normal operation, shall be reviewed by the Utility Commission. Expenditures creating a debt shall be authorized and approved by the Village Board.”
36. Former § 13.52(3), Deposits and guarantees, is repealed.
37. Section 13.53(1) is amended to read: “Billing period. Unless otherwise specified in the contract for service, bills shall be processed monthly. The term "month" for the purpose shall mean the period between any two consecutive readings of meters.”
38. Section 13.53(3) is amended to read: “Disconnection of service for nonpayment. A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility may disconnect service for a delinquent bill by giving the customer, at least 10 calendar days prior to disconnection, a written disconnect notice, which may be mailed separately or be included with the bill for service. For purposes of this rule, the due date shall not be less than 20 days after issuance.
39. Section 13.53(5)(c) is amended to read: “Commencement or discontinuance of service. Unless otherwise provided by written contract, when a customer commences or discontinues service between the regular monthly meter reading dates, the minimum bill, demand and energy charges of the applicable rate schedule shall be prorated.”
40. Section 13.53(5)(f)1 is amended to read: “Multiple residential units where it is customary to include electric service with rent or combine all service on one meter shall be billed by multiplying the number of units by each step in the rate schedule and applying one fixed charge for each unit.”
41. Section 13.53(6)(b) is amended to read: “Any account which remains unpaid on November 1 shall become a lien on the lot or parcel of real estate served by the electric service associated with the delinquent account. The resulting lien,

together with any additional charge or penalty imposed, shall be collected as a tax against the lot or parcel as provided by § 66.0809(3), Wis. Stats.

42. Section 13.54(2) is amended to read: “Location and installation. Meters shall be located as close as possible to the service entrance switch, preferably in the basement or on the ground floor of the building, in a clean, dry, safe and easily accessible place, free from vibration. Where a single business enterprise or institution occupies more than one unit of space in the conduct of the same business, each separate unit shall be metered separately unless the customer makes provision for approved circuits and loops by which to connect the different units to permit metering of all energy used through one meter.”

43. Section 13.54(3) is amended to read:

(3) Interference with metering.

(a) Interference prohibited. No person shall break or tamper with any seal placed on any meter, service entrance switch or service entrance outlet without the authority of the Utility.

(b) Resumption of service; conditions. Whenever reasonable evidence is presented to the Utility that a customer is obtaining his supply of electricity in whole or in part by means of devices or methods used to stop or interfere with proper metering of electric service being delivered to his equipment, the Utility Clerk shall estimate and immediately bill for unmetered service, which shall be payable upon receipt subject to a twenty-four-hour disconnection of service. Further service shall be provided the customer only on the following conditions:

1. The customer will be required to deposit with the Utility an amount sufficient to guarantee payment of bills in accordance with § 13.52(3)(a).

2. The customer shall pay the Utility for any and all damages to its equipment on his premises caused by the stoppage or interference with metering.

3. The customer shall agree to comply with reasonable requirements imposed by the Utility to protect against further losses.

4. The customer may be required, at his expense, to place all inside service wires up to the meter in rigid conduit and agree to reimburse the Utility for the purchase price and installation costs of a steel meter cabinet of a type prescribed by the Utility.

(c) Further interference with service metering. Any customer who interferes with the metering of service to his premises more than once shall be disconnected from service until full restitution is made.

44. Section 13.54(4) is amended to read: “Access to premises. The Utility is authorized to inspect premises and/or property pursuant to this section. The Utility shall first request permission to enter the premises and/or property. If

- permission is denied or if the premises and/or property are vacant, the Utility shall obtain a special inspection warrant pursuant to § 66.0119, Wis. Stats. Nothing in this section shall prevent a police officer, firefighter, or other public employee or official to enter premises and/or property in an emergency situation when authorized to do so by law.”
45. Section 13.55(1) is amended to read: “Customer to maintain. All wiring and other electrical equipment furnished by a customer shall be maintained by the customer at all times in conformity with this chapter and the rules and regulations of the Utility Commission.”
46. Section 13.55(2) is amended to read: “Apparatus not to interfere with service to other consumers. All electrical apparatus used in connection with and operated by energy furnished by the Utility shall be designed, constructed, installed and operated as not to interfere unreasonably with the Utility's service to other consumers. If any such interference shall occur, the Utility may order all service to the customer discontinued until the condition causing the interference has been remedied.”
47. Section 13.58(5)(c)2 is amended to change 150 to 300 kilovolt-amperes.
48. Section 13.58(7)(d) is amended to read:

(d) Average depreciated embedded cost. The average depreciated embedded cost of the distribution system (excluding the transformer and service facilities) is determined by the Public Service Commission for each customer classification. The average depreciated embedded cost by customer classification is listed in Schedule OC-1 of the Mount Horeb PSC Electric Tariff.

- 1. Residential service: The average depreciated embedded cost is determined by dividing the original cost, less the estimated accrued depreciation of the distribution system and less customer contributions and advances for construction allocated to this customer classification by the number of customers in the group.*
- 2. General service (including multi-unit dwellings if billed on one meter): The average depreciated embedded cost credit is determined the same way as residential.*
- 3. Power service: The embedded allowance is determined by dividing the original cost less the estimated accrued depreciation of the distribution system and less customer contributions and advances of construction allocated to this customer classification by the estimated average billed demand of these customers. When there is an upgrade, the average billed demand is the difference between the average billed demand before and after the upgrade.*
- 4. Streetlighting. The dollar amount per fixture is determined by dividing the overall depreciated cost of the distribution facilities allocated to the streetlighting class, less credits for past customer contributions and*

advances for construction, by the total number of lighting fixtures in that classification.

5. Apartment and rental units separately metered. The owner of an apartment or rental unit applying for an extension of service shall receive an average depreciated embedded cost credit, that applies for residential service, per unit metered.

6. Subdividers and residential developers. The same average depreciated embedded cost credit, that applies for residential service, would apply per unit energized within five years from the installation of the contributed extension.

a. All average depreciated embedded costs (by rate class) shall be subject to review by the Public Service Commission of Wisconsin, as part of each general rate case proceeding.

49. Section 13.58(8)(a) is amended to read: “Residential, general service, streetlighting and power service classes: Will be charged the total installation cost less the average depreciated embedded cost as defined in Subsection (7)(d) above.”

50. Section 13.58(8)(b) is amended to read: “Residential and commercial developers and subdividers. Residential and commercial developers and subdividers of single- and two-family subdivisions shall pay, as a minimum, a partially refundable contribution which is the estimated cost of distribution facilities to be installed for the area being developed. The average depreciated embedded cost is refunded as structures are built and connected to the Electric Utility facilities, as defined in Subsection (7)(d) above.”

51. Section 13.58(9) is amended to read: “Adjustments to estimates of the total cost of installation. Subsection (8) explains the method for estimating the total cost of installation. The Utility shall adjust its estimate of construction costs to reflect the costs that are actually incurred. The Utility shall adjust its estimate of construction costs to reflect the costs that are actually incurred. If the cost of installation differs from the Utility's original cost estimate, a recalculation of the customer contribution shall be made.”

52. Section 13.58(10) is amended to read:

(10) Temporary service for construction.

(a) The customer will agree to reimburse the Utility for its expenditures in extending service.

(b) Temporary service shall be given to a customer connection only when constructed in accordance with the sketch as provided by the Utility. The post supporting the unit shall be located as near as possible to the location of permanent service to the building. Abnormal conditions involving compliance with the foregoing provision will be cleared with the

Utility and permission granted by the Utility prior to locating the customer connection.

(c) All temporary service shall be maintained in a safe manner in order to keep the Utility harmless from injury to persons or property. The service shall remain temporary for a reasonable time and must be made permanent when directed by the Utility.

(d) Should the customer elect to receive permanent service, the installation charges for extension of new electric service as provided for in Subsection (8) above shall apply. Credit shall be given for the payment already made for that portion of the temporary service facilities that can be used for permanent service without modification.

53. Section 13.58(11)(c) is amended to read: "All energy will be measured at one standard voltage at some convenient point designated by the Utility."
54. Section 13.58(11)(e) is amended to read: "The cost of all construction (labor and materials) necessary to distribute energy on the premises occupied by the customer shall be paid by the customer."
55. Section 13.58(11)(f) is amended to read: "The Utility may require the customer to make an advance deposit sufficient to cover the cost of extending service and the estimated bill for energy."
56. Section 13.58(11)(g) is added to read: "The rates applicable in the area where temporary service is rendered will be applied in determining the customer's bill."
57. Former §§ 13.58(12), Other extensions, and (13), Underground cables, and 13.59, Rural extensions, are repealed.
58. Section 13.65 is amended to read: "Except as otherwise provided, the penalty for violation of this chapter is provided in § 25.04 of this Municipal Code."

Chapter 14, Building Code.

1. Section 14.02(1)(b) is amended to read: "The term "building," as used in this section, shall include any building or structure and any enlargement, alteration, heating or ventilating installation, moving or demolishing or anything affecting the fire hazards or safety of any building or structure."

2. Section 14.02(3) is amended to read:

(3) Plans. Plans and specifications shall be submitted with each building permit application. All plans and specifications will be signed by the designer and submitted in duplicate; one set to be returned to the applicant after approval as provided below and the other set to remain on file in the Building Department subject to record retention policies. Plans for buildings required to comply with

Chs. SPS 361 through 366, Wis. Adm. Code, will bear a stamp of approval from the Department of Safety and Professional Services. The plans and specifications shall include a plot plan showing the following:

- (a) Actual dimensions of the lot to be built upon.*
- (b) Size of the building to be constructed.*
- (c) Location of the proposed building and driveway with respect to adjoining streets, alleys, lot lines, other buildings, and all utility installations and other public improvements, including fire hydrants and street trees. Dimensions of the area between lot lines and street curb lines (commonly referred to as the "street terrace area").*
- (d) Site grading plan.*

1. Permittee shall provide a drawing detailing the following:

- a. Lot corner elevations;*
- b. Mid-lot elevations;*
- c. Drainage arrows;*
- d. Lowest foundation opening elevation;*
- e. Lot dimensions;*
- f. Reference benchmark;*
- g. Any other information requested by the Building Inspector.*

2. Previously approved plan. If a grading plan for the site, such as a subdivision grading plan or master site grading plan, is already on file with the Village as part of another approval process, the applicant may submit the existing plan for review to determine whether it fulfills the requirements of this chapter.

3. Site grading plan standards. All site grading plans approved by the Village will comply with the following standards:

- a. All grading plans must comply with any approved grading plan (such as a subdivision grading plan) applicable to the area subject to the grading activities.*
- b. Ground slopes shall be a minimum of 1/4 inch per foot away from the building foundation and in accordance with the Uniform Dwelling Code.*
- c. All lower-level exposures shall be a minimum of 24 inches above the lowest point on the lot, unless the applicant proposes and implements a reasonable engineering practice designed to mitigate the effects of altered drainage following substantial drainage activity.*

4. The Village will provide bench marks and datum wherever reasonably required.

3. Section 14.02(4) is amended to read: "Waiver of plans. If the Inspector finds that the scope of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of work does not exceed \$2,000."

4. Section 14.02(5) is amended to read: “Approval of plans. If the Inspector determines that the proposed building will comply with this Municipal Code and all applicable laws and orders of the state, and that any proposed driveway has been approved by the Public Services Director in accordance with § 8.07 of this Code, he shall approve and stamp one set of plans and return it to the applicant and shall issue a building permit, which shall be kept and displayed at the site of the proposed project. After approval, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or occupants except with the written consent of the Inspector.”
5. Section 4.02(6) is amended to read: “Minor repairs. The Inspector may authorize minor repairs or alterations which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.”
6. Section 14.02(7) is amended to read: “Fees. The applicant shall pay a fee as established by the Village Board and provided in the Village Fee Schedule.”
7. Section 14.02(8) is amended to read:
 - (8) *Inspection of work.*
 - (a) *The owner or his authorized agent, will notify the Inspector when the construction is ready for any inspections required under this Code, including any applicable inspections required by the Wisconsin Uniform Dwelling Code and the Wisconsin Commercial Building Code.*
 - (b) *The Inspector shall make a final inspection of all new buildings and alterations.*
 - (c) *After notification, the Inspector shall have 48 hours, not including weekends, to inspect the project.*
8. Section 14.025(3) is amended to read: “Fees. A nonrefundable fee for residential projects and for commercial projects must be paid prior to the issuance of the permit to start construction, as provided in the Village Fee Schedule. Additional fees will be required prior to issuance of the building permit.”
9. Section 14.03(1) is amended to read:
 - (1) *Building permit.*
 - (a) *Payment of fees. All fees shall be paid to the Building Department with the building permit application or prior to the start of the project.*
 - (b) *Lapse of permit. If the Inspector finds at any time that the provisions of this chapter or the plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction, he shall revoke the building permit by posting notice at the work site. When any such permit is revoked, no person shall*

do any further work until the permit is reissued, except such further work as the Inspector may order done as a condition precedent to the reissuance of the permit or for safety reasons.

(c) Expiration. All permits, except those issued for new construction of one-family and two-family dwellings, shall expire at the end of 12 months from the date of issuance. Permits for new construction of one-family and two-family dwellings expire at the end of 24 months from the date of issuance and may be renewed the same as other permits. All construction activities shall be planned so as to be completed within the time permitted.

Permits that have expired may be renewed after review of the project by the Inspector and payment of a renewal fee. The renewal fee shall be equal to payment of 1/2 the original permit fee. The Inspector shall review both the progress of the project and the reasonable ability of the permittee to complete the project before reissuing the permit. Any deficiencies due to time delays or damage due to exposure to the weather must be corrected prior to reissuance of the permit.

10. Section 14.03(2) is amended to change forfeiture of \$20 to \$100.
11. Section 14.06 is amended to read: “Whenever the Inspector finds any building or any portion of the building to be, in his judgment, dilapidated or out of repair, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and would be unreasonable to repair, he shall order the owner to raze and remove the building or portion. If it can be made safe by repairs, it is the owner's option to repair or to raze and remove. Such order and proceedings shall be as provided in § 66.0413, Wis. Stats.”
12. Section 14.08 is amended to read: “Each building (other than accessory buildings, as defined in Chapter 17 of this Code) in the Village shall be assigned a street number by the Inspector. The building owner shall, within 20 days after completion or occupancy of the building, whichever occurs first, securely attach or apply numerals to the building, in a conspicuous position, and not higher than the first or ground story of the building. The numerals will be at least three inches in height and clearly visible from the street at all times. Certain multifamily residential or multibusiness buildings may have more than one assigned street number. In such cases, the proper numerals shall be displayed at the entrance to each individual dwelling or business unit or, if each unit does not have a separate entrance, as required by the Inspector.”
13. Former § 14.09, Construction noise regulations, is repealed.
14. Former § 14.10, Erosion control requirements, added 9-9-2005 by Ord. No. 2005-09, is repealed.
15. A new § 14.10 is added to read:

§ 14.10. Failure to take out permits and penalty.

(1) In addition to the penalty provided for violations of this chapter in § 14.11, a penalty equal to the permit fee will be charged for failure to notify the Village and obtain a permit number before work is started, except in cases of emergency. The penalty, together with the permit fees, will be paid to the Village before any further permits will be issued.

(2) The payment of doubled fees will not relieve any person from fully complying with the regulations of this chapter, or from any other penalties prescribed in this Code.

Chapter 15, Plumbing Code.

1. Section 15.04 is amended to read:

§ 15.04. Authority of Inspector.

(1) Withholding permits. The Inspector is authorized to withhold approval of an application for a plumbing permit to any person who has not complied with a lawful order of the Inspector. The person refused a permit may appeal within 10 days to the Village Board. The Village Board shall take action at their next scheduled meeting to either uphold or reverse the Inspector's decision.

(2) Inspection of plumbing work. The plumber in charge shall notify the Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his inspection. When, in the opinion of the Inspector, a test is necessary, he may require a water or air test on any part or the entire installation.

2. Section 15.05 is amended to read:

§ 15.05. Applications and permits.

(1) Permit required. No plumbing shall be installed in the Village without first filing an application and receiving a permit. See § 13.05 for service located outside the Village limits. Only licensed master plumbers may receive permits, with the exception that a permit may be issued to a property owner to install plumbing in a single-family residence which is owned and occupied by such owner as his home.

(2) Permit and inspection fees. All required fees shall be paid to the Building Department with the permit application or prior to the start of the project. Plumbing permit and inspection fees are established by Village Board resolution and provided in the Village Fee Schedule.

3. Section 15.07 is amended to read:

§ 15.07. Water and sewer mains and service pipes.

(1) Handling water mains and services in sewer or other trenches. Where excavating machines are used in digging, all water mains shall be protected

at the expense of the contractor. Contractors shall ascertain for themselves the existence and location of all water mains and service pipes. Where water service pipes are removed, cut or damaged during construction, the contractor shall, at his own expense, replace or repair at once and shall not shut off the water service pipes from any consumer for a period exceeding six hours unless prior approval is received.

(2) Settling mains or service trenches. Trenches in streets shall be refilled with suitable granular fill material and compacted in lifts not to exceed nine inches in thickness prior to compaction. Each layer of the spread and leveled material shall be compacted, by means of suitable compaction equipment, to not less than 95% of maximum density before the succeeding layer is placed.

(3) Laying water service pipes. Plumbers shall not connect two water services to one tap. Each building shall have one separate tap and water service pipe laid not less than six feet below the surface after the street is brought to grade. If unable to attain the six foot bury mark, two inches of insulation will be used to cover water and sewer pipes. Each water service shall be provided with a stopcock and metal extension box outside of the premises connected with the same. Supply pipes shall not be laid across and connected to adjoining premises, whether owned by the same or different parties.

(a) Every water service pipe where it enters a basement shall be furnished with a stop and waste cock positioned below the frostline so the water can be completely shut off and drained from the pipes to prevent freezing.

(b) All services will be Copper Class K or ductile and arch-style curb box with rod. Vacuum breakers are required and jumpers are not permitted.

(c) Duplex lots that have one water service that is split with curb stops are maintained by the home owner. The Water Utility is permitted access for plumbing purposes to one side of the duplex or for nonpayment disconnection or plumbing purposes. Any repairs made to the connection will be by a certified plumber and at the expense of the homeowner.

(4) Turning on water. Water may not be turned on for a consumer except by an authorized employee of the Water Utility. After the plumber has completed a job, he shall leave the water turned off unless prior permission is received from the Water Utility. This provision shall not prevent the testing of plumbing or drainlaying work.

(5) Open trenches. Open trenches shall be enclosed with sufficient barriers. Warning lights shall be maintained at night.

Chapter 16, Electrical Code.

1. Former §16.02, Electrical licenses, is repealed.
2. A new § 16.02, Permits, is added to read:

§ 16.02. Permits.

(1) Permit required. No electrical wiring in new construction or building alterations shall be done or any appliances wired without a permit issued by the Inspector.

(2) Permit and inspection fees. All required fees shall be paid to the Building Department with the permit application or prior to the start of the work. Electric permit and inspection fees are a part of the permit and inspection fees set forth in the Village Fee Schedule and established by Village Board resolution.

3. Former §16.03, License fees, is repealed.

Chapter 17, Zoning Code.

1. Section 17.20(5)(e) is amended to change “§ 144.01(15), Wis. Stats.” to “289.01(33), Wis. Stats.”
2. Section 17.27(2)(f) is amended to read: “Fee receipt in the amount as provided in the Village Fee Schedule is required.”
3. Section 17.28(6) is amended to read: “Protest. In the event of a protest against an amendment to the text of the regulations of this chapter or a protest against an amendment to the zoning map, the Village shall follow state law.”
4. Section 17.29(1) and (2) are amended to delete specific fee amounts and refer to the Village Fee Schedule.
5. Section 17.29(4) is added, to read: “Reimbursement agreement. The Village may require a reimbursement agreement of any amount deemed appropriate by Village staff prior to consideration of any application.”
6. Section 17.35(1) is amended to read “The Zoning Map shall be adopted and approved as part of this chapter, and shall be available to the public in the office of the Village Administrator, or his/her designee, and the office of the Village Clerk.”
7. Section 17.40(2), the definition of “handicapped” is amended to read:
HANDICAPPED — A person with any physical disability or developmental disability as defined under § 51.01, Wis. Stats., 42 U.S.C. § 1437(a)(2) or 42 U.S.C. § 423 (Section 223 of the Social Security Act).
8. Sections 17.41(3)(b), 17.42(2)(b), 17.431(3)(b), 17.451(3)(a)2. are amended by the addition of “Outdoor commercial entertainment [per §17.20(4)(i)].”
9. Section 17.49(3) is amended to read: “Minimum district area. The minimum area for a Greenfield Planned Development District is five acres. There is no minimum area requirement for a Redevelopment or Infill Planned Development District for a redevelopment site, nor is there a minimum area requirement for a Planned Development District.”

10. Section 17.49(4)(a)1 is amended to read: “Land use requirements. All land uses permitted within the R-1, R-2, R-3, R-4, NB, CB, PB, MB or PI Districts may be permitted within a Planned Development.”
11. Section 17.49(7)(a)5 is amended to read: “Appropriate data on the size of the development, ratio of various land uses, percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging and any other plans of data pertinent to evaluation.”
12. Section 17.501(7)(a)4 and 6 are amended to reference approval from the Wisconsin Department of Safety and Professional Services.
13. Section 17.74(4) is amended to change “C-3 Central Commercial District” to “CB Central Business District.”
14. Section 17.121(5)(a) is amended to delete fee amounts and refer to the Village Fee Schedule.
15. Section 17.142 is amended to read:

It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.

- (1) *Types of loud and unnecessary noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:*
 - (a) *Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.*
 - (b) *Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building,*

structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- (c) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.*
 - (d) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.*
 - (e) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.*
 - (f) Construction or repair of buildings. The erection (including excavation), demolition, construction, alteration or repair of any building, as well as the operation of any construction equipment or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and 8:00 a.m. and 8:00 p.m. on weekends. The Village Administrator may modify or waive the hour restrictions identified in the preceding sentence for a particular project for a specified duration if modifying or waiving the hour restrictions is in the public interest. At a minimum, a requested waiver shall include the project description, the location of the project, the time line for the requested exemption, and a plan to monitor compliance with stationary noise limits. The Village Administrator may grant the request, deny the request or grant the request with conditions. The Village Administrator may review, amend, or rescind an approved waiver at its discretion. Any party aggrieved by the Village Administrator's decision may appeal the decision to the Village Board by submitting written notice to the City Clerk within 30 days of the decision.*
 - (g) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any medical facility, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients, provided that conspicuous signs are displayed in those streets indicating a school or medical facility. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.*
- (2) Exceptions. The provisions of this section shall not apply to a) any vehicle of the Village while engaged in necessary public business; b) excavations or repairs of streets or other public construction by or on behalf of the Village, county, or state*

when public welfare and convenience render it impossible or unsafe to perform such work during the hours identified in Subsection (1)(f) above. For this exception to apply, the party performing the work must receive permission from the Village Administrator to perform the work outside of the hours identified in Subsection (1)(f) above; c) the reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(3) Permits for amplifying devices.

- (a) Permit required. The use of loudspeakers or amplifying devices on the streets or in the parks of the Village of Mount Horeb is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Village Clerk.*
- (b) Grounds or reasons for denial or allowance. The Chief of Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.*
- (c) Time restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.*

(4) Stationary noise limits.

- (a) No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 11:00 p.m. and 70 dBA from 11:00 p.m. to 7:00 a.m.*
- (b) The following are exempt from the regulations: (1) Noises not directly under the control of the property owner; (2) Noises from temporary construction or maintenance activities during daylight hours; (3) Noises from emergency, safety, or warning devices.*
- (c) Sound levels under this subsection shall be measured with a Type 1 sound level meter manufactured according to standards prescribed by the American National Standards Institute in specification S1.4 (revised 1971). Measurements shall be made using an "A" weighted network of the sound level meter. Under this subsection, noises capable of being accurately measured with such equipment shall be deemed to be those noises which cause fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels.*

16. In § 17.161 the definition of “master plan” has been replaced by a definition of “Comprehensive Plan” and the definitions of “bed-and-breakfast inn,” “billboard,” “family,” have been amended.

17. In § 17.172, sign definitions, the definition of “nonconforming sign” has been amended.

18. Section 17.177(1)(b)1 is amended to delete specific fee amount and refer to the Village Fee Schedule.

Chapter 18, Subdivision and Platting.

1. Section 18.04 is amended to add the definition of “comprehensive plan” and delete the definition of “master plan.”
2. Section 18.14(4)(c) is amended to change “Park and Recreation Committee” to “Park, Recreation and Forestry Commission.”
3. Section 18.14(6) is amended to delete fee amounts.
4. Section 18.16(5) is amended to delete “Division of Environmental Protection”
5. Section 18.175(9) is amended to read: “Refunds. Impact fees that are imposed and collected but are not used within 10 years after they are collected to pay the capital costs for which they were imposed shall be refunded on a prorated proportional basis, as determined by the Village, to the current record owner or owners of the property, as shown on the most recent tax roll, with respect to which the impact fees were imposed. The ten-year limit can be extended for an additional three years per § 66.0617(9), Wis. Stats.”
6. Section 18.175(12) is amended to delete: ~~“Any adjustment to the water impact fee shall be made by the Village Board after considering the recommendation of the Utility Commission.”~~
7. Section 18.21(1) is amended to read: “Prior to submitting a final plat for approval, the subdivider shall prepare and submit a preliminary plat. The subdivider shall file with the Village at least 25 days prior to a scheduled Plan Commission meeting a written application for approval of the preliminary plat, an electronic copy of the preliminary plat, and pay the required fees. The application shall include all data required by this chapter.
8. Section 18.22 is amended to read: “If the preliminary plat has been approved or approved conditionally by the Village Board, the subdivider may make written application to the Village and pay the required fees for the approval of a final plat. The application shall be submitted 25 days prior to the scheduled Plan Commission meeting and shall be accompanied by an electronic copy of the plat. The final plat may be for all or part of the preliminary plat. The final plat is reviewed by the Plan Commission for a recommendation that the final plat conforms to the provisions of this chapter. The Plan Commission shall refer the plat to the Village Engineer and appropriate committees for comments and recommendations. After receipt of these comments and recommendations, the Plan Committee shall make a determination and forward its recommendation to the Village Board. Upon determining that the final plat meets the requirements of

- this chapter and any additional requirements have been submitted within 36 months from the approval date of the preliminary plat and all preliminary plat conditions have been met, the Village Board shall approve the final plat within 60 days of the date all required information has been received by the Board. A copy of the recorded plat shall be returned to the Village Clerk prior to the issuance of a building permit.”
9. Section 18.23 is amended to read: “When a land division is created as defined herein, the developer shall submit an application to Village staff five days prior to the scheduled Village Board meeting and pay the appropriate fees. The application shall be accompanied by an electronic copy of a certified survey map prepared in accordance with § 236.34, Wis. Stats., and this chapter. The requirements of § 18.21 of this chapter regarding preliminary plat procedures shall also apply to certified survey maps, unless specifically waived by the Village Board. The Village Board shall, within 90 days, approve, approve conditionally or reject the certified survey map based on its determination of conformance with the provisions of this chapter. A copy of the recorded survey map shall be returned to the Village Clerk prior to the issuance of a building permit.”
 10. Section 18.40(2)(f) is amended to complete the sentence with “shall be four”
 11. Section 18.44(13)(b) is amended to read: “Flag lots may be created in the PB, CB, I-1, I-2, or O-1 District if the Village Board finds the following conditions are satisfied:”
 12. Section 18.45 is amended to change “recommended” to “determined.”
 13. In § 18.50(3)(b)6 the last sentence is amended to read: “Sewer laterals shall be laid at a minimum slope of 1/8-inch drop per foot and a maximum slope of one inch per foot.”
 14. Section 18.53(1)(b)1. is amended to read: “To secure satisfactory installation of required improvements and as a condition for approval of the final plat, the developer shall provide the Village with a letter of credit in a form acceptable to the Village in the amount of 115% of the estimated direct and indirect costs of the required improvements. As improvements are completed and accepted by the Village, the Village may permit a reduction in the amount of the letter of credit equal to the value of the improvements installed and approved by the Village. However, the amount of the original and any renewed or replacement letter of credit shall not be reduced to less than 15% of the original amount.”
 15. Section 18.53(1)(c) is amended to delete fee amounts.
 16. Section 18.58(3)(b) is amended to reference a Map as on file and not included as attachment to chapter.

17. Section 18.61 is amended to read:

- (1) Fees are as established by resolution of the Village Board.*
- (2) Professional fees. In addition to the fees required under Subsections (1) above, each applicant under this section shall reimburse the Village for all professional fees, including reasonable engineering, planning, and legal review fees, incurred by the Village in connection with such application.*
- (3) Subdivision improvement agreements. In addition to reimbursing the Village for all engineering and legal expenses incurred in preparing subdivision and certified survey map improvement agreements, the developer shall pay the fees and deposits for the following items, as provided in the Village Fee Schedule. Each development phase within a subdivision shall require a separate agreement. Upon completion of the Village review of the agreement and acceptance of the implementation of the agreement, the applicant shall reimburse the Village for any costs in excess of the deposit, and any excess deposit shall be returned to the applicant.*

Chapter 19, Park, Recreation and Forestry.

1. Section 19.01 is amended to read:

§ 19.01. Park, Recreation and Forestry Commission.

(1) Purpose. The establishment of the Park, Recreation and Forestry Commission shall be for the purpose of acquiring, governing, managing, controlling, improving, and caring for all public parks, parkways, conservancy areas, urban forest, and recreation programs in the Village. The powers and functions of the Commission shall be set forth by the Village Board.

(2) Composition. See § 1.27 of this Municipal Code.

(3) Appointment and term. See § 1.27 of this Municipal Code.

(4) Duties and responsibilities. The Commission shall have the following duties and responsibilities, which are advisory, except as otherwise provided:

(a) To review and recommend to the Village Board policies, rules and regulations necessary for the effective management of Village parks, recreation and forestry facilities and programs.

(b) To review and recommend to the Finance and Personnel Committee all budgetary, revenue, and expenditure proposals relating to parks, recreation and forestry facilities and programs. The Commission shall submit a budget for the ensuing calendar year to the Village Board. The Commission shall not contract any liability in excess of the budget appropriated unless specifically authorized by the Village Board.

(c) To perform duties and responsibilities, as directed by the Village Board.

(5) Meetings. The Commission shall meet monthly or as directed by the Chairperson.

2. Section 19.03(1)(a), (d), (e) are amended to read:

- (a) All parks and activities open at 7:00 a.m. and close by 10:00 p.m., Sundays through Thursdays, and 11:00 p.m. Fridays and Saturday.*
 - (b) ...*
 - (c) ...*
 - (d) Grandma Foster Park. Grandma Foster Park shall close each day at dusk.*
 - (e) Exceptions. No person shall enter or remain in any park at any other time, unless specific written authority is first obtained from the Park, Recreation and Forestry Commission.*
3. Section 19.03(2)(c) is amended to read: “Boeck's Park Swimming pool. No person shall drink or have in his possession any fermented malt beverage or intoxicating liquor within the fenced swimming pool area of Boeck's Park at any time.”
 4. Former § 19.03(3), Dumping, is repealed. A new § 19.03(3) is added to read: “Smoking Prohibited. No person will use any tobacco product, nicotine product, or cigarette within the fenced swimming pool area of Boeck's Park.”
 5. Section 19.03(5)(b) is amended to read: “No person shall permit any dog, cat or other pet owned or under his control to run at large in any park or parkway.”
 6. Section 19.03(8) is amended to revise “Park, Recreation, and Forestry Commission” to “Village President.”
 7. Section 19.03(10) is amended to revise “Park, Recreation, and Forestry Commission or the Park Director” to “Public Services Director.”
 8. Section 19.03(16) is amended to read: “Defacing park property. No person shall intentionally break or in any way deface any building, fence, lamp, equipment, facility or any feature of property, including natural objects, within the park.”
 9. Section 19.03(19) is amended to read: “Village approval. When written Village approval is required, the proper authority will authorize and advise the Village Clerk, who shall issue the required permit. The permit shall be available for display upon official request.”
 10. Section 19.10 is amended to read: “In addition to any other applicable penalty provided by law, the penalty for violations of this chapter are provided in § 25.04 of this Municipal Code.”

Chapter 20, Erosion Control and Stormwater Management.

1. Section 20.02(2)(g) is amended to read: “For privately owned and maintained facilities, ensure no increase in the rate of surface water runoff for the one-year, two-year, ten-year and one-hundred-year storm events, and safely pass runoff

from the one-hundred-year storm events from sites during or after construction; and for publicly owned and maintained facilities, ensure no increase in the rate of surface water runoff for the one-, two-, ten-, and one-hundred-year storm events from sites during or after construction.”

2. In § 20.03, the following definitions are amended: “agricultural,” “average annual rainfall.”
3. In § 20.03, the following definitions are added: “development,” “direct conduits to groundwater.”
4. Section 20.06(1) is amended to insert: “, except the construction of a building or other structure,”
5. Section 20.06(2)(e) is added to read: “Soil conservation, stream and adjacent wetland protection and restoration practices such as terraces, run-off diversions, grassed waterways, cattle and equipment crossings, cattle watering access, water control structures, dikes, ditch plugs, tile breaks and sediment removal catchments, when implemented according to plans and designs approved by the Natural Resources Conservation Service or U.S. Fish & Wildlife Service of the U.S. Department of the Interior, Wisconsin Department of Natural Resources or the Dane County Land and Water Resources Department, provided that any project involving land disturbing activity equal to or greater than one acre shall comply with the performance standards in § 20.09(4).”
6. Section 20.07(4)(e) is amended to read:

(e) Application for a permit shall constitute express permission by the permittee and landowner for the Village or its designee to enter the property for the purposes of inspection under § 20.08 or curative action under § 20.15(4). The application form shall advise the applicant and landowner of this requirement.
7. Section 20.07(5)(a) is amended to read: “Erosion control and stormwater management permits issued under this chapter are not transferable without prior written approval by the Village.”
8. Section 20.07(7) and (8) are added to read:

(7) Plan or permit amendments. Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land disturbing site activities shall be approved by the Village Engineer prior to implementation. A maximum of five permit revisions may be allowed.

(8) Time frame and expiration:

(a) Erosion control plan timetables and construction schedules must begin within one year of the date the permit application is filed.

(b) All permit applications shall expire the earlier of:

- 1. One year from the date the applicant is notified of an application deficiency, if the applicant has not submitted additional information to adequately address the deficiency within the year; or*
- 2. Three years from the date of application*

(c) Erosion control permits shall expire:

- 1. On the stabilization date included in the approved plan and included in the analysis provided to meet the requirements of § 20.09(4)(a)(2).*
- 2. A maximum of three years after the permit is issued.*

9. Section 20.09(1)(r) is amended to read: “Existing and proposed elevations (referenced to the North American Vertical Datum of 1988 (NAVD 88, where available) and existing and proposed contours in the area, where deemed necessary;”

10. Section 20.09(3)(a) is amended to read:

(a) When allowed. Applicants may submit erosion control proposals using a standard form provided by the Village, using simplified checklists of standard erosion control measures, if all of the following conditions exist:

- 1. The site does not exceed 20,000 square feet in area;*
- 2. Soil on slopes steeper than 6% will be disturbed for less than 15 days; and*
- 3. Soil on slopes less than 6% will be exposed for less than six months.*

11. Section 20.09(4)(d) is added to read:

(d) Grade.

1. Except as authorized in this section, the topography within five feet of any property line at the commencement of any development shall remain unchanged.

a. When land disturbing activities associated with development occur within five feet of any property line, finished grades in that area shall be restored to the topography in existence before the land disturbing activity began. A positive slope of 1/2 inch vertical per one foot horizontal within five feet of the property line is allowed to provide proper drainage away from a one- or two-family residence.

b. The established grade of the adjoining property shall determine the finished grade at the property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five feet of the property line. The Building Inspector or Village Engineer may require detailed site grading

plans of existing and proposed conditions to be submitted before commencement of land disturbing activities.

2. Existing drainageways and drainage easements along property lines shall be maintained, including, but not limited to, natural watercourses and stormwater management areas shown on subdivision plats and certified survey maps.

3. Following a written application, the Village Engineer may authorize exceptions resulting in changes to the existing topography at and within five feet of any property line that would promote the purposes stated in this chapter. An exception authorized under this subsection may not direct additional stormwater runoff toward adjacent properties. Proposed exceptions may include, but are not limited to, retaining walls, berms and other structures, and other changes to existing grade at and within five feet of a property line. The Village Engineer may require the submittal of detailed site grading plans of existing and proposed conditions, including, but not limited to, detailed topographical information of the subject and adjoining properties, before land disturbing activities commence.

12. Section 20.10(1)(d)5 is amended to add: “and flow paths.”

13. Section 20.10(1)(j) is added to read:

(j) A summary of infiltration calculations, including:

- 1. Predevelopment infiltration volume.*
- 2. Calculated infiltration volume goal.*
- 3. Achieved post-development infiltration volume.*

14. Section 20.10(2)(c) is amended to read: “Runoff Curve Number. The maximum runoff curve number (RCN) used in such calculations shall be those shown in Table 1. The TR-55 specified curve numbers for other land uses shall be used. Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to predeveloped conditions, no permeability class modification is required.” Table 1 is added.

15. Section 10.10(2)(d) is amended to read:

(d) Runoff rate control — design standards. Except for redevelopment projects, all stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:

- 1. Maintain predevelopment peak runoff rates for the one-year, twenty-four-hour storm event (2.49 inches over 24 hours' duration using the NRCS MSE4 storm distribution).*

- 2. Maintain predevelopment peak runoff rates for the two-year, twenty-four-hour storm event (2.84 inches over 24 hours' duration using the NRCS MSE4 storm distribution).*
- 3. Maintain predevelopment peak runoff rates for the ten-year, twenty-four-hour storm event (4.09 inches over 24 hours' duration) using the NRCS MSE4 storm distribution.*
- 4. Maintain predevelopment peak runoff rates for the 100-year, twenty-four-hour storm event (6.66 inches over 24 hour duration using the NRCS MSE4 storm distribution).*

16. Section 10.10(2)(f) is amended to read:

(f) Infiltration.

- 1. For both residential and nonresidential developments, design practices shall infiltrate sufficient runoff volume so that post-development infiltration volume will be at least 90% of the predevelopment infiltration volume, based upon average annual rainfall.*
- 2. The maximum predevelopment runoff curve number (RCN) used in the calculations shall be those as specified in § 20.10(2)(c), Table 1.*
- 3. If, when designing appropriate infiltration systems, more than 2% of the site is required to be used as effective infiltration area, the applicant may alternately design infiltration systems and pervious surfaces to meet or exceed the annual predevelopment recharge rate. The annual predevelopment recharge rate shall be determined from the Wisconsin Geological and Natural History Survey's 2009 report, Groundwater Recharge in Dane County, Estimated by a GIS-Based Water-Balanced Model or subsequent updates to this report, or by a site specific analysis using other appropriate techniques. If this alternative design approach is taken, at least 2% of the site must be used for infiltration.*
- 4. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality.*
- 5. Prohibitions. Notwithstanding Subsection (2)(f)1 through 3, infiltration systems may not be installed in any of the following areas:*
 - a. Areas associated with Tier 1 industrial facilities identified in § NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.*
 - b. Storage and loading areas of tier two industrial facilities identified in § NR 216.21(2)(b), Wis. Adm. Code.*
 - c. Fueling and vehicle maintenance areas.*
 - d. Areas within 1,000 feet up gradient or within 100 feet downgradient of Karst features or direct conduits to groundwater.*

e. Separation distances: Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 2, below. Areas with less than three feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, are to be in accordance with Table 2, except that this provision does not prohibit infiltration of roof runoff.

<i>Table 2. Separation Distances and Soil Characteristics</i>		
<i>Source Area</i>	<i>Separation Distance</i>	<i>Soil Characteristics</i>
<i>Industrial, commercial, institutional parking lots and roads</i>	<i>5 feet or more</i>	<i>Filtering layer</i>
<i>Residential arterial roads</i>	<i>5 feet or more</i>	<i>Filtering layer</i>
<i>Roofs draining to subsurface infiltration practices</i>	<i>1 foot or more</i>	<i>Native or engineered soil with particles finer than coarse sand</i>
<i>Roofs draining to surface infiltration practices</i>	<i>3 feet or more</i>	<i>Native or engineered soil with particles</i>
<i>All other impervious source areas</i>	<i>3 feet or more</i>	<i>Filtering layer</i>

17. Section 20.10(3) is amended to read:

(3) Stormwater management goals. The following standards shall be met whenever possible, and proposed design, suggested location and implementation of practices to meet these goals shall be included in plans:

(a) For existing development, design practices shall, whenever feasible, retain soil particles greater than 20 microns on the site (40% reduction) resulting from a one-year twenty-four-hour storm event, according to approved procedures, and assuming no sediment resuspension. Proposed design, suggested location and implementation of practices to meet this goal shall be included in stormwater management plans.

(b) For street reconstruction, design practices to retain soil particles greater than 20 microns on the site (40% reduction) resulting from a one-year, twenty-four-hour storm event, according to approved procedures, and assuming no sediment resuspension.

18. Section 20.11(3)(b) is amended to read: “Construction of public facilities. The applicant may, subject to the Village's approval, enter an agreement acceptable to the Village to pay for or otherwise provide for the construction of the public facilities prior to proceeding with the proposed activities on the subject property.

- Such an agreement may, subject to the Village's approval, provide for the applicant to recover a proportionate share of the cost of the public facilities from other lands benefited by the public facilities in a manner deemed appropriate by the Village.”
19. Section 20.11(4)(b) is amended to read: “Construction of public facilities. The applicant may, subject to the Village's approval, enter an agreement acceptable to the Village to dedicate any additional lands needed for and pay for or otherwise provide for the construction of the public facilities prior to proceeding with the proposed activities on the subject property. The agreement may, subject to the Village's approval, provide for the applicant to recover a proportionate share of the cost of the public facilities from other lands benefited by the public facilities in a manner deemed appropriate by the Village.”
 20. Section 20.12(1)(b) is amended to read: “The long-term maintenance agreement shall be recorded by the property owner with the Dane County Register of Deeds and shall remain with the land.”
 21. Section 20.12(2) is amended to read: “The applicant shall reimburse the Village for any professional, legal and engineering costs the Village incurs in connection with the preparation and review of the long-term maintenance agreement.”
 22. Section 20.14 is amended to delete specific fee amounts and refer to the Village Fee Schedule.
 23. Section 20.17(2) is amended to read: “Collections. Any person who has the ability to pay any forfeiture entered against him or her under this chapter but refuses to do so may be subject to collections.”

Chapter 25, Construction and Effect of Ordinances.

1. Section 25.01(2) is amended to change the last words in “be objectionable.”
2. Section 25.03 is amended to read: “Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Clerk shall keep a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed shall be public records open for examination during the Clerk's office hours, subject to any orders or regulations which the Clerk may prescribe for their preservation.”
3. Section 25.04 is amended to read:

§ 25.04. Violations and penalties.

(1) General Penalty. Except where a penalty is provided elsewhere in this Code, any person who violates any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty as follows:

(a) First offense - Penalty. Any person who violates any provision of this code will, upon conviction, forfeit not less than \$10 or more than \$1,000, together with the cost of prosecution and all applicable surcharges and assessments, and, in default of payment of such forfeiture and costs of prosecution may be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) Second offense – Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who previously was convicted of a violation of the same ordinance within one year will, upon conviction, forfeit not less than \$50 nor more than \$1,000 for each such offense, together with costs of prosecution and all applicable surcharges and assessments, and in default of payment of the forfeiture and costs will be imprisoned in the County Jail until the forfeiture and costs of prosecution are paid, but not exceeding six months.

In addition to the general penalty in this section or any other penalty imposed for violation of any section in this Code, any person who causes physical damage or destroys any public property will be liable for the cost of replacing or repairing such damaged or destroyed property.

(2) Continued violations. Each violation and each day a violation continues or occurs will constitute a separate offense. Nothing in this Code will preclude the Village from taking and maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) Juvenile dispositions and sanctions. For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in §§ 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §§ 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in § 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

(4) Other remedies. The Village will have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above including, but not limited to, restitution and community service.

(5) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village, the court may, in addition to ordering imprisonment of the defendant, issue an execution against the property of the defendant for said forfeiture costs.

Chapter 41, Code Enforcement.

1. Section 41.01(2) is amended to read:

(2) *Officials authorized to issue citations. Citations authorized by this Code may be*

issued by Village law enforcement officers and by the following designated Village officials, whenever there are such Village officials, with respect to matters directly related to each official's area of responsibility:

- (a) Building Inspector.*
- (b) Fire Inspector or Deputy Fire Inspectors.*
- (c) Public Services Director.*
- (d) Community Service Officer.*

2. Section 41.03(1) is amended to read as follows:

(1) Deposit amounts. The schedule of deposit amounts, as provided in § 1.18(9)(a) of this code, is approved and is made a part of this chapter.

3. Section 41.04 is amended to read: “See § 25.04 of this Municipal Code.”

VILLAGE OF MOUNT HOREB
COUNTY OF DANE, WISCONSIN

ORD. NO. _____

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE
VILLAGE OF MOUNT HOREB, WISCONSIN

The Village Board of the Village of Mount Horeb does hereby ordain as follows:

§ 1-38. Code adopted; existing ordinances continued.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Mount Horeb of a general and permanent nature adopted by the Village Board of the Village of Mount Horeb, as revised and codified and consisting of Chapters 1 through 41, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Village of Mount Horeb, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments.

§ 1-39. Code on file; additions and amendments.

- A. In accordance with § 66.0103, Wis. Stats., a copy of the Code has been filed in the office of the Village Clerk and made available for public inspection for not less than two weeks prior to adoption of this ordinance, and following adoption of this ordinance such copy shall be maintained and available for public inspection in the office of the Village Clerk.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Mount Horeb" shall be understood and intended to include such additions and amendments.

§ 1-40. Notice; publication.

The Clerk of the Village of Mount Horeb shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with the filing of the Code in the office of the Village Clerk as provided in § 1-39 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-41. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held

invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-42. Repealer.

Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Mount Horeb which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-43. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-42 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to May 5, 2021.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, naming, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Village's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Village.
- Q. Any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.
- R. Any ordinance or portion of an ordinance establishing or amending rates or charges for water or sewer service.

§ 1-44. Changes in previously adopted ordinances; new ordinances.

- A. In preparing the revision and codification of the ordinances, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances, and references to state statutes and regulations were updated to reflect the numbering and titles of the statutes and regulations as of the publication of this Code. It is the intention of the Village Board that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In accordance with § 66.0103, Wis. Stats., the Code of the Village of Mount Horeb, on file in the office of the Village Clerk, is adopted and incorporated by reference, including the revisions set forth in Schedule A attached hereto and made a part hereof. (Chapter and section number references in Schedule A are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-45. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-46. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Village of Mount Horeb to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a penalty as provided in § 25.04 of the Code.

§ 1-47. When effective.

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

NOTICES – SAMPLE WORDING

Village of MOUNT HOREB

**A RESOLUTION PROVIDING FOR THE PUBLICATION, FILING, INSPECTION AND ADOPTION
OF A CODE OF GENERAL ORDINANCES**

WHEREAS a Code of General Ordinances titled "Code of the Village of Mount Horeb" has been prepared and tentatively approved by the Village Board;

NOW, THEREFORE, BE IT RESOLVED that this Code be presented for adoption by the Village Board at the next regular Board meeting on _____, 202_; and

BE IT FURTHER RESOLVED that the Village Clerk, in accordance with the requirements of § 66.0103, Wis. Stats., shall file a copy of the proposed Code of the Village of Mount Horeb in the Clerk's office for public inspection and cause a copy of the following notice to be published:

NOTICE

PLEASE TAKE NOTICE that the Village Board of the Village of Mount Horeb will consider the adoption of a new Code of Ordinances titled "Code of the Village of Mount Horeb" at _____ p.m. on _____, 202_, at the Municipal Building.

You are further notified that a copy of said proposed new Code will be on file and open for public inspection in the office of the Village Clerk for a period of two weeks prior to its adoption, commencing _____, 202_, in accordance with § 66.0103, Wis. Stats.

Adopted this _____ day of _____, 202_, by the Village Board of the Village of Mount Horeb, Wisconsin.

**Village of Mount Horeb
Notice of Newly Enacted Ordinance**

Please take notice that the Village of Mount Horeb enacted Ordinance No. _____, Adoption of Code, on _____, 202_. The ordinance provided for the adoption of a new Code of Ordinances, consisting of Chapters 1 through 41, together with an Appendix.

The full text of Ordinance No. _____ may be obtained from the Village Clerk's office, 138 East Main Street, Mount Horeb, WI 53572. Phone: (608) 437-9400. A copy of the Village Code is also on file at the Village Clerk's office.