

TOWN OF ALBION

Park Speed Limit Reduction

Ordinance No.15-04

The Town Board of the Town of Albion, County of Dane, State of Wisconsin, do ordain and adopt as follows:

A. Pursuant to Wis. Stat. § 349.11, effective August 5 2015, speed limits on certain Town of Albion roads are reduced or modified as follows:

Per Wis. Stat. § 346.57 4(i), the speed limit on all Town roads that are contiguous to, or adjacent to, or bordering the Town of Albion park will be reduced to fifteen (15) miles per hour when children or pedestrians are going to, from, or playing within the Town of Albion Park.

B. Pursuant to Wis. Stat. § 349.11(5), the Town Chair, or his or her designee, shall place appropriate traffic signs and speed reduction warning signs at the above-described locations on or before the effective date of this ordinance.*

C. No person may operate any vehicle on the above-noted town highways in violation of the above-noted speed limits. Any violation shall be subject to penalties under Wis. Stat. § 346.60.


This ordinance is effective on [publication or posting or August 5, 2015 (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

The town clerk shall properly post or publish this ordinance as required under Wis. Stat. § 60.80.

Adopted this 1st day of September, 2015.

TOWN OF ALBION

By:



Robert Venske, Town Chairperson

Attest:



Julie Hanewall, Town Clerk

Supervisor, Pat Tesar introduced the above ordinance and moved its passage.
Seconded by Thad Andrews

Ayes: 3

Nays: 1

Copies of this ordinance may be obtained at the clerk's office located at 620 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

* Note: Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation Website at:
<http://www.dot.wisconsin.gov/business/engrserv/wmutcd.htm>

Ordinance Amending the Driveways and Culverts Ordinance #11-01

Ordinance No 15-03 - Amended

1-1-1	Driveway Permits; Culvert Requirements
1-1-2	Driveway and Culvert Location, Design and Construction Requirements
1-1-3	Effective Date

The Town Board of the Town of Albion, County of Dane, State of Wisconsin, does ordain and adopt as follows.

Section 1-1-1 Driveway Permits; Culvert Requirements

- (a) **Authority.** This ordinance entitled "Town of Albion Driveways and Culverts Ordinance" is adopted by the Town Board of the Town of Albion, Dane County, Wisconsin, pursuant to the authority of Wis. Stats., Sec. 86.07(2), and Chapter Trans. 231 of the Wisconsin Administrative Code.
- (b) **Purpose.** The purpose of this ordinance is to restrict and regulate private access onto town roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Town of Albion roads, ensure proper drainage, and minimize disruption to existing agricultural lands.
- (c) **Culvert Requirement.** No person shall locate, establish, construct, or substantially reconstruct any driveway or private road in a public right-of-way of the Town of Albion without installing a culvert in full compliance with this Section unless an exemption from the requirement for a driveway culvert is approved, in writing, by the Town or its representative. Included within the scope of this requirement are commercial driveways.
- (d) **Permit Required; Application; Fee.**
 - (1) **Permit Requirement.** No person shall locate, establish, construct, replace a culvert, modify a culvert, install a culvert, or substantially reconstruct a private driveway, road, or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway or culvert permit from the Town of Albion.
 - (2) **Application.** Application for such permit may be made to the Town Clerk/Treasurer. The request for such permit shall be in writing signed by the owner of the real estate affected or his agent and shall include design specifications and a drawing depicting the location and orientation of the proposed driveway and driveway culvert in relationship to the real estate involved and the adjacent road, street, or highway.
 - (3) **Review.** The Town or its representative shall review all applications using this ordinance and the data and findings from the Driveway Inspection Report as shown in Section 1-1-2 in issuing driveway and culvert permits.
 - (4) **Fee.** The applicant shall pay a non-refundable fee of Fifty Dollars (\$50.00) at the time of making application for the driveway permit, and a Two thousand Five Hundred dollar (2500.00) damage deposit fee for any damage to the roadway,

shoulder or right of way, which occurs during the construction process, up to and including any time period until an occupancy permit and /or final inspection from the Town Public Works Department or Building inspector has been issued. The applicant agrees that the damage deposit of \$2500.00 will be retained until the Town Board acts to release the deposit. Costs for any damage, solely determined by the Town, will be deducted from the deposit prior to return. There shall be no fee for any replacement and/or modification of any culvert.

(e) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:

- (1) The applicant represents that such proposed driveway is for the bona fide purpose of securing access to the property and not for the purpose of parking or servicing vehicles, advertising, storage, or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.
- (2) The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- (3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Town of Albion, its officials, officers, agents, engineers, or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) The Town does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of any windrows of such material upon any portion of such driveway within the dedicated portion of the Town road or street.

Section 1-1-2 Driveway and Culvert Location, Design, and Construction Requirements

(a) **General Requirements.** The location, design, and construction of driveways shall be in accordance with the following:

- (1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least twenty (20) feet apart and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
1. **Driveway Surface.** All driveways shall have a hard all-weather surface with a minimum of six (6) inches of crushed aggregate. If required by the Town or its representative, the driveway surface shall prevent tracking of mud and sediment onto public roads. The Town may impose special tracking pad requirements for agricultural access in the event that the applicant fails to timely remove any mud and/or sediment on the road. Finished accesses must remain at, or below, the grade of the roadway edge for a minimum of ten feet.

1. A driveway may consist of concrete, gravel, or asphalt. The first (10) ten feet of driveway from the edge of the road inward may not be concrete, it must be gravel or asphalt from property to the edge of the road (hereinafter referred to as "Driveway Concrete Setback"). **In the event that the property owner violates the Concrete Driveway Setback requirement and concrete is so installed, it will be removed and the cost thereof charged against the deposit; or if no deposit, against the property in violation of the ordinance.**
2. **In the event that Property owner violates the Driveway Concrete Setback, Property owner is responsible for all damages or costs incurred by the Town and the Property owner as a result of the Property owner's violation of the Driveway Concrete Setback.**
3. **If a Property owner violates the Driveway Concrete Setback and a Town roadway improvement project results in a change of grade between the Town roadway and the driveway at issue, Property owner shall be responsible for all costs associated with equalizing the grade.**

4.

(2) *Number.*

- a. The number of driveways allowed to serve an individual residential or commercial property fronting on a street shall be a maximum of two (2), subject to paragraph b below, provided that when two (2) driveways are utilized, there is also at least one-hundred eighty (180) feet of total street frontage on the street from which the driveways serve the parcel.
- b. There shall be allowed one (1) driveway for the first acre of the served parcel, and one (1) additional driveway for each additional acre or part thereof, up to a maximum of two (2). For street corner parcels, or parcels abutting more than one street, driveways and/or street access shall be allowed from only one of the streets abutting the parcel, preferably the street with the lowest traffic count.
- c. Where two (2) driveways serve a parcel, such driveways shall be located no closer than seventy-five (75) feet from centerline to centerline, and at least ten (10) feet from the edge of the driveway to the property line.
- d. The Town Board may grant exceptions to the provisions of this subsection where deemed necessary and feasible for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable. The number of driveways to serve an individual residential or commercial property fronting on a street shall be one (1), except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable.
- e. For agricultural driveways, the number of driveways allowed shall be determined by the Town Board with input requested from the Town Engineer. However, the minimum spacing of agricultural driveways shall be three hundred (300) feet.

- (3) *Island Area.* The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (4).

- (4) **Drainage.** The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. See Figure 1. No driveway apron shall extend out into the street further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way. All driveways and parking lots shall be graded in such way that no storm water reaches the roadway.
- (5) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
- a. The filling or draining shall be to grades approved by the Town Engineer and except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required where the total culvert length is greater than three hundred (300) feet and/or where a bend or curve in the pipe is required.
 - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.
- (6) **Relocation of Utilities.** Any costs of relocating utilities shall be the responsibility of the property owner with the written approval of the Town Board necessary before any utility may be relocated and the driveway installed.
- (7) **Variances.** Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments.
- (1) **Width of Drive.** No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty-six (36) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town or its representative, in its discretion, may permit a driveway of additional width.
 - (2) **Angular Placement.** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
 - (3) **Design Information.** The Town may, in its sole discretion, require that additional driveway design information, including design by a professional engineer, be submitted with the application.

- (4) **Agricultural Driveway.** In interpreting this ordinance, special consideration shall be given to allow existing agricultural driveways in existence as of the effective date of this ordinance to remain as agricultural driveways in their present location and condition provided that such driveways are not hazardous, unsafe, or causing a water flow problem.
- (c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property.
- (1) **Width.** Unless special permission is first received from the Town Board, or committee thereof, a residential single-type driveway shall be no greater than twenty-six (26) feet wide at the curb line or pavement edge and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-six (26) feet wide at the curb line and twenty-four (24) feet wide at the outer or street edge of the sidewalk.
- (2) **Angular Placement.** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
- (3) **Design Information.** The Town may, in its sole discretion, require that additional driveway design information, including design by a professional engineer, be submitted with the application.
- (d) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Town to issue a permit for a private driveway may appeal such refusal to the Town Board within twenty (20) days after such refusal to issue such permit is made.
- (e) **Prohibited Driveways and/or Filling.**
- (1) No person, firm, or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway, or street in the Town of Albion except as permitted in this Section. As used herein, the word "structure" includes private driveways, a portion of which extends into any public road, highway, or street, and which is in non-conformance with this ordinance.
- (2) No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
- (3) The grade of that portion of any private driveway located within the limits of any public road, highway, or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- (4) Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
- (5) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
- (6) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.
- (f) **Culvert Construction Standards.**
- (1) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. The size of all required culverts may be determined by the Town and/or Town Engineer. Approved apron endwalls are also required. No pipe smaller than fifteen inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel and shall be

of new manufacture, unless specifically accepted by the Town or its representative.

- (2) **Gauge.** The minimum wall thickness for the galvanized steel culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

- (3) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4) **Backfill Material.** Material used for backfill shall be of a quality acceptable to the Town or its representative and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- (5) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion or as directed by the Town or Town Engineer.
- (6) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof.
- (7) **Appeal.** Any person whose request has been denied may request a variance from the culvert requirements of this Section by filing a written appeals request within thirty (30) days of such denial with the Town Clerk, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may waive the requirement for a culvert and/or grant a variance request upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Town Engineer may be asked to render an opinion on the request.
- (g) **Enforcement.** All costs incurred by the Town relating to the enforcement of this ordinance or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineers' and attorneys' fees. If a property owner refuses to comply with the ordinance, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Section 1-1-3 Effective Date

This ordinance shall take effect the day after it's posting pursuant to law. The Town Board of the Town of Albion, Dane County, Wisconsin, duly adopted the above and forgoing ordinance at a regular meeting held at the Albion Town Hall, on the 5th day of May, 2015.

APPROVED:



Robert Venske, Chairman

ATTEST:



Julie Hanewall, Clerk

ADOPTED: May 5, 2015

AMENDED: January 5, 2016

Supervisor, Bruce Hudson introduced the above amendment and moved its passage.
Seconded by Thad Andrews.
Roll Call 5 Yes 0 No

Copies of this ordinance may be obtained at the clerk's office located at 620 Albion Road,
Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

Ordinance No. 15-02
Re: Alcohol Beverages

The Town Board for the Town of Albion, located in Dane County, Wisconsin, do ordain as follows:

Section 1: The following is hereby adopted as the Town of Albion's Alcohol Beverage Ordinance.

ALCOHOL BEVERAGES

§ 1.0. Incorporation of State Statutes. The provisions of Chapter 125 of the Wisconsin Statutes, as amended from time to time, and relating to the sale of alcohol beverages and the licensing of persons in connection therewith, are hereby adopted and incorporate herein by reference.

§1.01 Delivery of License. In the event a license is granted by the Town Board in § 1.0, the Town Clerk shall hold and not deliver the license until the Town Treasurer certifies that all real estate taxes, personal property taxes, assessments, claims, and forfeitures are paid in full by the due date. Failure to timely pay all amounts due and owing is grounds for cancellation of any license granted under this Ordinance, unless, after notice and hearing as provided in § 2(b)(2), the Town Board shall determine if good cause exists for the delinquency. If such good cause is found to exist, the Town Board may set such terms as it deems appropriate for payment of all amounts owed, to avoid cancellation of the subject license.

§ 2.0 Revocation, Cancellation, and Suspension of Licenses; Nonrenewal; Subsequent Changes.

(a) Procedure. Whenever the holder of any license under this Ordinance violates any portion of this Ordinance, proceedings for the revocation, cancellation, suspension or nonrenewal of such license may be instituted in the manner and under the procedure established by this Section.

(b) Cancellation of premised licenses.

(1) Grounds for cancellation for nonuse of license. Any Class "B" Combination fermented malt and/or intoxicating liquor licenses granted under this Ordinance for which the subject premises:

- a. Is not open for business within 30 days of the granting of such license;
- b. Is not open for business for a period of 180 consecutive days or more; or
- c. Is not open for business at least 50 percent of the days within any 12 month period, either within a licensing year or overlapping two licensing years;

shall be cancelled unless, after notice and hearing as provided in Subsection (b)(2) of this Section, the Town Board shall determine that good cause exists for the failure of the licensee to

be open for business for periods in excess of the minimums set forth in this Subsection. If such cause is found to exist, the Town Board may set such terms as it deems appropriate to the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must open for business to avoid cancellation of the subject license.

(2) Notice and hearing. Prior to cancellation of any license, the Town Clerk shall notify the licensee in writing of the Town's intention to cancel the license and provide the licensee with a hearing. Such notice shall also specify the time, place and date of the hearing, which shall be not less than 15 days after the date of the notice. Such hearing shall be conducted as provided in accordance with Wis. Stats. § 125.12(2)(b).

(c) License revocation or suspension.

(1) Notice and hearing. Whenever a person holding a license to sell alcohol beverages has failed to maintain the premises according to standards prescribed for sanitation, or in whose premises persons are permitted to loiter for purposes of prostitution, or when the licensee has not observed and obeyed any lawful order of the Town Board or police officers of the Town, has violated Town ordinances, or for any other good reason, including the reasons set forth in Wis. Stats. § 125.12(2)(ag) or any amendment thereto, the Town Board shall issue a summons, to be signed by the Town Clerk commanding the licensee complained of to appear before the Town Board on a day and time and at a place named in the summons to show cause why the license should not be revoked or suspended. In addition, any resident may file a sworn, written complaint with the Town Clerk. Such summons shall be served not less than three and not more than ten days before the time at which the licensee is commanded to appear and shall be served on the licensee in the manner provided under Wis. Stats. Ch. 801, for service in civil actions in circuit court. The complaint shall be served with the summons and shall set forth the offense allegedly committed, the date and place of said offense and the facts constituting the alleged offense. If such licensee shall not appear as required by the summons, the complaint shall be taken as true, and if the Town Board deems its allegations sufficient, the Town Board shall revoke or suspend the license as provided herein.

(2) Procedure on hearing; effect of revocation.

a. The Town Chairperson or, in the Town Chairperson's absence, the acting Town Chairperson, shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in Wis. Stats. § 68.11, shall be followed. The complainant shall have the burden of providing the charges to a preponderance of the evidence. The licensee and the complainant may be represented by counsel, may call and examine witnesses and cross-examine witnesses of the other party. All proceedings and testimony shall be recorded on tape. If either party requests a stenographic recording and transcription, the Town shall make the necessary arrangements, but the expenses shall be borne by the requesting party. The Town Clerk shall serve as secretary to the Town Board and shall make and receive all exhibits admitted into the record. The Town Board, upon the testimony and evidence presented at the hearing, shall determine by simple majority vote of those present whether the charges are true. If the Town Board finds the complaint to be true, the license shall either be

suspended for not less than ten days nor more than 90 days or revoked. The Town Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

b. If the complaint is found to be true, the licensee shall pay to the Town the actual cost of the proceedings. If the complaint is found by the Town Board to be malicious and without probable cause, the complainant shall pay the cost of the proceedings in the same amount.

c. When a license is revoked, it shall be so entered of record by the Town Clerk, and no other license shall be granted to such licensee or for such premises for a period of 12 months from the date of the revocation, nor shall any part of the money paid as application fee for any license so revoked be refunded.

(d) Nonrenewal of license.

(1) Notice. The Town Board may refuse to renew a license for the causes provided in Wis. Stats. § 125.12 (2)(ag). Prior to the time for renewal of the license, the Chief of Police shall notify the licensee, in writing, of the Chief of Police's intention to recommend to the Town Board that the license not be renewed. The notice shall provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the Chief of Police's recommendation not to renew the license.

(2) Request for hearing. If the licensee requests a hearing, the hearing shall be conducted by the Town Board not less than three days nor more than ten days after the Town receives a written request, as provided in Subsection (c)(2) of this Section and Wis. Stats. § 125.12(2)(b).

(3) Hearing. Any hearing on the non-renewal shall be conducted as provided for in (b)(2) above. If the Town Board determines as a result of said hearing, to not renew the license it shall so advise the licensee.

(e) Subsequent changes.

(1) After issuance of a license, whenever anything occurs to change any fact set forth in the license application or renewal form, the licensee shall file with the Town Clerk written notice within ten days after the occurrence thereof.

(2) After issuance of a license, should the licensee under a retail "Class B" intoxicating liquor license wish to change the licensed premises from a restaurant into a tavern, or from a tavern into a restaurant, the licensee shall file with the Town Clerk a written notice setting forth said desire not less than 60 days prior to the contemplated change. The Town Clerk shall refer the notice to the Town Board, which shall schedule a public hearing as soon thereafter as possible, which shall be attended by the licensee. At the hearing, the licensee shall be given the opportunity to be heard as to why the Town Board should approve the change. The Town Board shall provide for an orderly opportunity for all other persons to be heard on the subject.

Following the hearing, the Town Board shall approve or disapprove of the proposed change and will issue a written decision upon the request of any interested person.

(3) Failure by the licensee to notify the Town under either of the above applicable procedures shall be grounds for suspension, nonrenewal, or revocation of the licensee's license.

(f) Other provisions. Any license issued pursuant to this Ordinance shall be subject to such further regulations and restrictions as may be imposed by the Town Board by amendment to this Ordinance or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations such licensee's license may be revoked in accordance with this Ordinance. In case of revocation of any license or any violation of any provision of this Ordinance in accordance with this Section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

(g) Penalty Provision. Any licensee who personally or through his or her managers, operators, agents or employees violates any of the provisions of this Ordinance shall be subject to a penalty as provided for below. In addition, the licensee's license or licenses shall be subject to revocation, suspension or nonrenewal pursuant to Wis. Stat. s. 125.15 and this Ordinance; or if the violation involves one or more minors, the penalties shall be as set forth in Wis. Stat. s. 125.07.

(1) First Offense-Penalty. Any person who shall violate any provision of this Ordinance subject to a penalty shall, upon conviction thereof, forfeit not more than \$3,500.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail or county house of correction until said forfeiture and costs are paid, but not exceeding ninety (90) days.

(2) Subsequent Offenses. Any person found guilty of violating any provision of this Ordinance who shall previously have been convicted of a violation of the same provision shall upon conviction thereof, forfeit not less than \$50.00 nor more than \$3,500.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(3) Subsequent Offenses. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision contained in this Ordinance.

Section 2: That any ordinance of the Town of Albion in express conflict with the terms and provisions of the attached Ordinance be and hereby is repealed.

Adopted this 5th day of May, 2015.

TOWN OF ALBION

By: Robert J. Venske
Robert Venske, Town Chairperson

Attest: Julie Hanewall
Julie Hanewall, Town Clerk

Supervisor, Thad Andrews introduced the above ordinance and moved its passage. Seconded by Abigail Staff.

Ayes: 5

Nays: 0

Copies of this ordinance may be obtained at the clerk's office located at 620 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

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**Outdoor and Refuse Burning
Ordinance of the Town of Albion**

Ordinance No. 11-07

The Town Board for the Town of Albion, located in Dane County, Wisconsin, do ordain as follows:

Section 1.0: PURPOSE. This Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Albion, Dane County, Wisconsin due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

Section 2.0: APPLICABILITY. This Ordinance applies to all outdoor burning and refuse burning within the Town of Albion.

2.1. This Ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2. This Ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this Ordinance.

2.3. This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 3.0: SEVERABILITY. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Section 4.0: DEFINITIONS. The following words and terms shall have the following meanings:

4.1. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

4.2. "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

4.3. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

4.4 "Fire Chief" means the Chief of the Edgerton Fire Protection District or other person authorized by the Fire Chief.

4.5. "Outdoor burning" means open burning or burning in an outdoor wood-fired furnace.

4.6. "Open Burning" or "Controlled Burns" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.

4.7. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals, and is not an "outdoor heating device" as defined in Town of Albion Ordinance No. 09-01.

4.8. "Refuse" means any waste material except clean wood.

Section 5.0: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING. Open burning, outdoor burning and refuse burning are prohibited in the Town of Albion unless the burning is specifically permitted by this Ordinance.

Section 6.0: MATERIALS THAT MAY NOT BE BURNED. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Fire Chief will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

6.1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

6.2. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

6.3. Asphalt and products containing asphalt.

6.4. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.

6.6. Rubber including tires and synthetic rubber-like products.

6.7. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with any recycling Ordinances in effect from time to time by any governmental authority having appropriate jurisdiction thereof, except as provided in Section 11 of this Ordinance.

Section 7.0: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS. Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions:

7.1. All allowed open burning shall be conducted in a safe and nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads

or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

7.2. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

7.3. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

7.4. Unless explicitly allowed elsewhere in this Ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

7.5. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this Ordinance.

7.6. Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

7.7. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or firepit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

7.8. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other conditions of this Ordinance.

7.9. Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.

7.10. Except for campfires, open burning under this Section shall be conducted only following issuance of and in accordance with a permit issued under Section 12 of this Ordinance.

7.11. Except for campfires, open burning under this section shall only be conducted at a location at least 100 feet from the nearest building that is not on the same property.

7.12. Except for campfires and permitted bonfires, open burning shall only be conducted from the hours of 6:00 AM to 10:00 PM.

7.13. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

7.14. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or body of water.

7.15. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

Section 8.0: BURN BARRELS. A burn barrel may be used in the Town of Albion only in accordance with the following provisions:

8.1. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this Ordinance and may only be used in accordance with the provisions of Section 7 of this Ordinance.

8.2. The burn barrel shall be located at least 50 feet from the nearest building that is not on the same property as the burn barrel.

8.3. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

8.4. The burn barrel shall not serve a business.

Section 9.0: OUTDOOR WOOD-FIRED FURNACES. An outdoor wood-fired furnace may be used in the Town of Albion only in accordance with the following provisions:

9.1. The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section 6 of this Ordinance.

9.2. The outdoor wood-fired furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor wood furnace.

9.3. The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

Section 10.0: FIRE DEPARTMENT PRACTICE BURNS. Notwithstanding sections 5 and 6 of this Ordinance, the Edgerton Fire Protection District may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

Section 11.0: EXEMPTION FOR BURNING CERTAIN PAPERS.

11.1. Notwithstanding Subsection 6.17 of this Ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this Ordinance.

11.2. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

11.3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

11.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.-7.3, 7.6, and 7.11-7.15 of this Ordinance.

Section 12.0: BURNING PERMITS.

12.1. No person shall start or maintain any open burning without a burning permit issued by the Fire Chief.

12.2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this Ordinance.

12.3. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this Ordinance shall obtain a burning permit before starting the fire. There is no fee for a burning permit.

12.4. The owner or occupant of the property shall obtain an annual burning permit.

12.5. When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

12.6. A burning permit issued under this section shall require compliance with all applicable provisions of this Ordinance and any additional special restrictions deemed necessary to protect public health and safety.

12.7. Any violation of the conditions of a burning permit shall be deemed a violation of this Ordinance. Any violation of this Ordinance or the burning permit shall void the permit. 12.8. There is no fee for each annual burning permit. An annual permit expires on December 31st of each calendar year. Permits can be obtained at the Edgerton Fire Protection District Station or on line at edgertonfire.com.

Section 13.0: LIABILITY. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

Section 14.0: RIGHT OF ENTRY AND INSPECTION. The Fire Chief or any authorized officer, agent, employee or representative of the Edgerton Fire Protection District or the Town of Albion who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats.

Section 15.0: ENFORCEMENT AND PENALTIES.

15.1. The Fire Chief and the Town Chairman or their designee is authorized to enforce the provisions of this Ordinance. 15.2. The penalty for violation of any portion of this Ordinance shall be a forfeiture of not less than twenty-five dollars (\$25) or more than two hundred fifty dollars (\$250) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

**Outdoor and Refuse Burning
Ordinance of the Town of Albion**

Ordinance No. 11-07

The Town Board for the Town of Albion, located in Dane County, Wisconsin, do ordain as follows:

Section 1: The Ordinance entitled, "Outdoor and Refuse Burning Ordinance of the Town of Albion," No. 11-07, in the form and substance of that attached, be and hereby is adopted in its entirety.

Section 2: That any ordinance of the Town of Albion in express conflict with the terms and provisions of the attached Ordinance be and hereby is repealed.

Section 3: That the attached Ordinance shall become effective upon its posting in at least three places located within the Town, likely to give notice to the public; except, however, that if the Ordinance provides for a forfeiture, the Town Clerk shall, in lieu of posting, publish a summary of the Ordinance as authorized in Sec. 60.80(5), Wis. Stats.

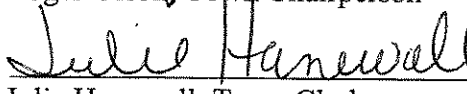
Adopted this 6th day of December, 2011.

TOWN OF ALBION

By:


Roger Olson, Town Chairperson

Attest:


Julie Hanewall, Town Clerk

Supervisor, Thad Andrews introduced the above ordinance and moved its passage. Seconded by Robert Cusick.

Roll Call 5 Yes 0 No

Copies of this amendment may be obtained at the clerk's office located at 620 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

Ordinance Establishing a Minimum Property Maintenance Code

Ordinance No. 11-05

The Town Board for the Town of Albion, located in Dane County, Wisconsin, do ordain as follows:

Section 1.0: Purpose. The purpose of this Ordinance is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and nonresidential buildings, structures, yards, or vacant areas. Safe, attractive and well-maintained property will enhance the neighborhood and the Town and provide a suitable environment for increasing physical and monetary values as well as preserve the health, safety and welfare of the public.

Section 2.0: Minimum Requirements. Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:

- (a) All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building.
- (b) All exterior property areas shall be kept free from noxious weeds as defined in Sec. 66.0407, Wis. Stats.
- (c) The interior of all vacant buildings and structures and all exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
- (d) Fences, structures, minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition.
- (e) Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. In addition, all surfaces except floors of exterior porches, balconies, decks and similar structures constructed of treated lumber shall be treated with paint or pigmented stain, if any part of the structure is located between the principle building and a street lot line. Any structure or surface constructed of new treated lumber shall not be required to be painted or stained under this paragraph for the first eighteen (18) months after said lumber was installed. Any exterior surface treated with paint, stain, or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the

exterior surface or the surface treatment and to present an attractive appearance. All paint, stain, or other preservative shall be applied in a workmanlike fashion.

- (f) Landscaping, plantings and other decorative surface treatments, including but not limited to common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. All vegetation shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and City.
- (g) Every interior floor, wall and ceiling including door and window assemblies shall be kept clean and in good repair, and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture.
- (h) Every foundation, exterior wall, and floor and roof shall be reasonably weather-tight, watertight and rodent-proof and shall be kept in proper repair and shall be capable of affording privacy. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
- (i) Every window, exterior door, interior door, and basement hatchway shall be reasonably weather-tight, watertight, and rodent-proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (j) Every inside and outside stair, every porch, platform, balcony, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance.
- (k) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (l) Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in clean and sanitary condition.

Section 3.0: Abandoned or Vacant Property

3.1 Findings

The Town Board finds that the larger number of foreclosures which have occurred during the recession which began in 2007 has resulted in significant numbers of houses and buildings being left vacant. One of the purposes of this Ordinance is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and to ensure the safe and sanitary maintenance of dwellings, commercial and industrial buildings. It is the intent of this Ordinance to address homes and buildings that have become vacant, abandoned, or otherwise unsupervised thereby having a negative impact on surrounding properties and neighborhoods. Vacant and abandoned homes create an increased risk of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs, and bushes, illegal dumping, and rodent and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and industrial and commercial areas. It is important for the Town to be able to contact Owners of vacant properties for property maintenance, utility shutoff, fire safety, and police reasons.

3.2 Definitions. As used in this Section 3.0, the following terms shall have the following meanings:

- (a) "Abandoned vacant property" means a vacant property that has been vacant for thirty (30) days or more and meets any one of the following criteria:
 - (1) provides a location for loitering, vagrancy, unauthorized entry, or other criminal activity;
 - (2) has one or more broken or boarded windows or doors;
 - (3) has taxes in arrears for a period of time exceeding 365 days;
 - (4) has utilities disconnected or not in use;
 - (5) is not maintained in compliance with Town ordinances, building codes or state law to an extent that it is not commercially saleable or rentable;
 - (6) is only partially completed and is not fit for human occupancy
 - (7) is the subject of a judgment of foreclosure.
- (b) "Building" means a structure with a roof supported by columns or walls to serve as a shelter or enclosure, or a portion thereof under construction.
- (c) "Evidence of vacant property" means any condition that on its own or combined with other conditions would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices, disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded windows, abandoned vehicles, auto parts or materials, the

absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with habitation, or occupation, statements by neighbors, passerby, delivery agents or governmental employees that the property is vacant.

- (d) "Foreclosure" means the process by which a mortgage or land contract is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the mortgagee or a deed in lieu of foreclosure.
- (e) "Mortgage" means a recorded lien or interest in real property to secure payment of a loan.
- (f) "Mortgagee" means a person, firm, corporation or other legal entity holding a mortgage on a property.
- (g) "Mortgagor" means a borrower under a mortgage who grants a lien or interest in property to a Mortgagee as security for the payment of a debt.
- (h) "Owner" means any individual, limited liability company member, co-partnership, association, corporation, company, fiduciary, or any other person or legal entity having a legal or equitable title or interest in real property. The term includes a Mortgagee which has obtained a judgment of foreclosure against a property or accepted a deed in lieu thereof.
- (i) "Structure" means anything constructed or erected, the use of which requires location on or attachment to the ground, and includes Buildings.
- (j) "Vacant Property" means an improved lot or parcel of real property with at least one Building or Structure that is not currently used or occupied for a period in excess of 30 days. A Building or Structure which remains furnished, has utilities connected or in use, and on property that is maintained while the Owner is absent, shall not be considered vacant. A property which is the subject of a foreclosure action is presumed to be a Vacant Property after the date on which the Circuit Court enters an order confirming a Sheriff's Sale of the premises. A structure under construction shall be a Vacant Property if construction is not completed within one (1) year of the date of issuance of a building permit, or at an earlier date if less than \$ 1,000 has been expended on construction activities on the property in the previous thirty (30) days.
- (k) "Rented" means a property is leased to a party who pays Rent to the Owner.
- (l) "Rent" means consideration for occupancy of property, and may include personal services to improve a property or payments may in anticipation of purchase of a property.

- (m) "Vacancy Permit" means a document issued by the Town of Municipality which authorizes an Owner to possess a Vacant Property or Abandoned Vacant Property if the conditions of the Vacancy Permit are met.

3.3 Maintenance and Security Requirements. An Owner of a vacant property shall comply with all of the following maintenance and security requirements.

- (a) Property shall be kept free from weeds, grass more than six (6) inches high, dry brush, dead vegetation, trash, junk, debris, building material, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded items, including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, or any other items that give the appearance that the property is abandoned.
- (b) Property shall be maintained free of graffiti or similar markings.
- (c) All visible front and side yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, trees, shrubs, hedges, or similar plantings. Maintenance includes, but is not limited to, cutting, pruning, and mowing of required landscaping and removal of all trimmings.
- (d) Pools and spas shall be drained and the water supplies disconnected. They shall be covered with an industry approved safety cover and shall also comply with the minimum security fencing and barrier requirements of all applicable building and existing structures/property maintenance codes and ordinances.
- (e) Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other opening of such size that may allow a child or other person to access the interior of the property and/or Buildings or Structures. Broken windows must be repaired or replaced with like glazing materials within seven (7) days. Boarding up of open or broken windows is prohibited except as a temporary measure not to exceed seven (7) days.
- (f) Electrical power and natural gas shall be provided to all vacant or unoccupied Buildings or Structures to power all mechanical equipment to maintain a minimum ambient interior temperature of not less than forty-five (45) degrees Fahrenheit during the months of September through April of each calendar year and to power a sump pump. A minimum of a seven (7) watt night light shall be placed in the interior of any vacant residential Building or Structure on a timer, set so as to turn on at dusk and off at dawn, on both the first and second levels, so as to be visible from the exterior of the residential Building or Structure. All vacant or unoccupied residential Buildings or Structures shall have the water shut off at the street or pump and shall have the building properly winterized so as to

prevent the bursting of water pipes, unless the Building or Structure is served by a heating system which requires the use of water.

- (g) Property shall be maintained in compliance with all other applicable code requirements.
- (h) The Owner shall do the necessary to avoid growth of mold or other obnoxious conditions.
- (i) The Owner shall cause the property to be inspected at least monthly to monitor compliance with this section.

Section 4.0: Fire-Damaged Property. If an occupied Building or Structure is damaged by fire, the Owner has one hundred twenty (120) days from the date of the fire to apply for a permit to start construction or demolition. Failure to do so will result in the property being deemed vacant and subject to the Town obtaining a raze order under Section 66.0413, Wis. Stats. An insurance company which fails to timely pay a fire loss for reasons other than arson is liable under this Ordinance.

Section 5.0: Severability. Should any section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid or unenforceable, such declaration will not affect the validity or enforceability of the ordinance as a whole or any part thereof other than such part so invalidated or declared unenforceable.

Section 6.0: Penalties; Town Remedial Response, Razing Process. A violation of this Ordinance shall be a forfeiture offense. A first offense shall be subject to a minimum \$200.00 fine and any other penalties authorized under state law. Second or subsequent offenses shall be subject to a minimum fine of \$400.00 and any other penalties authorized under state law. The requirements of this Ordinance are in addition to, and not in lieu of, all other Town ordinances, codes, rules, regulations, or state law. Each day of violation shall constitute a separate offense.

**Ordinance Establishing a
Minimum Property Maintenance Code**

Ordinance No. 11-05

The Town Board for the Town of Albion, located in Dane County, Wisconsin, do ordain as follows:

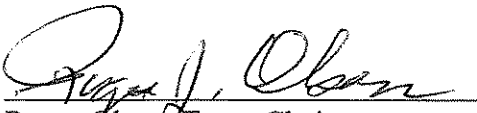
Section 1: The Ordinance entitled, "Ordinance Establishing a Minimum Property Maintenance Code," No. 11-05, in the form and substance of that attached, be and hereby is adopted in its entirety.

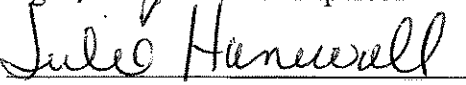
Section 2: That any ordinance of the Town of Albion in express conflict with the terms and provisions of the attached Ordinance be and hereby is repealed.

Section 3: That the attached Ordinance shall become effective upon its posting in at least three places located within the Town, likely to give notice to the public; except, however, that if the Ordinance provides for a forfeiture, the Town Clerk shall, in lieu of posting, publish a summary of the Ordinance as authorized in Sec. 60.80(5), Wis. Stats.

Adopted this 6th day of December, 2011.

TOWN OF ALBION

By: 
Roger Olson, Town Chairperson

Attest: 
Julie Hanewall, Town Clerk

Supervisor, Robert Cusick introduced the above ordinance and moved its passage. Seconded by Bob Venske.

Roll Call 5 Yes 0 No

Copies of this ordinance may be obtained at the clerk's office located at 620 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

TOWN OF ALBION

Driveways and Culverts Ordinance # 11-01

- 1-1-1 Driveway Permits; Culvert Requirements
- 1-1-2 Driveway and Culvert Location, Design and Construction Requirements
- 1-1-3 Effective Date

The Town Board of the Town of Albion, County of Dane, State of Wisconsin, does ordain and adopt as follows.

Section 1-1-1 Driveway Permits; Culvert Requirements

- (a) **Authority.** This ordinance entitled "Town of Albion Driveways and Culverts Ordinance" is adopted by the Town Board of the Town of Albion, Dane County, Wisconsin, pursuant to the authority of Wis. Stats., Sec. 86.07(2), and Chapter Trans. 231 of the Wisconsin Administrative Code.
- (b) **Purpose.** The purpose of this ordinance is to restrict and regulate private access onto town roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Town of Albion roads, ensure proper drainage, and minimize disruption to existing agricultural lands.
- (c) **Culvert Requirement.** No person shall locate, establish, construct, or substantially reconstruct any driveway or private road in a public right-of-way of the Town of Albion without installing a culvert in full compliance with this Section unless an exemption from the requirement for a driveway culvert is approved, in writing, by the Town or its representative. Included within the scope of this requirement are commercial driveways.
- (d) **Permit Required; Application; Fee.**
 - (1) **Permit Requirement.** No person shall locate, establish, construct, replace a culvert, modify a culvert, install a culvert, or substantially reconstruct a private driveway, road, or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway or culvert permit from the Town of Albion.
 - (2) **Application.** Application for such permit may be made to the Town Clerk/Treasurer. The request for such permit shall be in writing signed by the owner of the real estate affected or his agent and shall include design specifications and a drawing depicting the location and orientation of the proposed driveway and driveway culvert in relationship to the real estate involved and the adjacent road, street, or highway.
 - (3) **Review.** The Town or its representative shall review all applications using this ordinance and the data and findings from the Driveway Inspection Report as shown in Section 1-1-2 in issuing driveway and culvert permits.
 - (4) **Fee.** The applicant shall pay a non-refundable fee of Twenty-Five Dollars (\$25.00) at the time of making application for the driveway permit, and a one thousand dollar (1000.00) damage deposit fee for any damage to the roadway,

shoulder or right of way, which occurs during the construction process, up to and including any time period until an occupancy permit and /or final inspection from the Town Public Works Department or Building inspector has been issued. The applicant agrees that the damage deposit of \$1000.00 will be retained until the Town Board acts to release the deposit. Costs for any damage, solely determined by the Town, will be deducted from the deposit prior to return. There shall be no fee for any replacement and/or modification of any culvert.

(e) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:

- (1) The applicant represents that such proposed driveway is for the bona fide purpose of securing access to the property and not for the purpose of parking or servicing vehicles, advertising, storage, or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.
- (2) The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- (3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Town of Albion, its officials, officers, agents, engineers, or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) The Town does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of any windrows of such material upon any portion of such driveway within the dedicated portion of the Town road or street.

Section 1-1-2 Driveway and Culvert Location, Design, and Construction Requirements

(a) **General Requirements.** The location, design, and construction of driveways shall be in accordance with the following:

- (1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least twenty (20) feet apart and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
1. **Driveway Surface.** All driveways shall have a hard all-weather surface with a minimum of six (6) inches of crushed aggregate. If required by the Town or its representative, the driveway surface shall prevent tracking of mud and sediment onto public roads. The Town may impose special tracking pad requirements for agricultural access in the event that the applicant fails to timely remove any mud and/or sediment on the road. Finished accesses must remain at, or below, the grade of the roadway edge for a minimum of ten feet. A

driveway may consist of concrete, gravel, or asphalt. The first (10) ten feet of driveway from the edge of the road inward may not be concrete, it must be gravel or asphalt from property to the edge of the road.

(2) **Number.**

- a. The number of driveways allowed to serve an individual residential or commercial property fronting on a street shall be a maximum of two (2), subject to paragraph b below, provided that when two (2) driveways are utilized, there is also at least one-hundred eighty (180) feet of total street frontage on the street from which the driveways serve the parcel.
- b. There shall be allowed one (1) driveway for the first acre of the served parcel, and one (1) additional driveway for each additional acre or part thereof, up to a maximum of two (2). For street corner parcels, or parcels abutting more than one street, driveways and/or street access shall be allowed from only one of the streets abutting the parcel, preferably the street with the lowest traffic count.
- c. Where two (2) driveways serve a parcel, such driveways shall be located no closer than seventy-five (75) feet from centerline to centerline, and at least ten (10) feet from the edge of the driveway to the property line.
- d. The Town Board may grant exceptions to the provisions of this subsection where deemed necessary and feasible for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable. The number of driveways to serve an individual residential or commercial property fronting on a street shall be one (1), except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable.
- e. For agricultural driveways, the number of driveways allowed shall be determined by the Town Board with input requested from the Town Engineer. However, the minimum spacing of agricultural driveways shall be three hundred (300) feet.

(3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (4).

(4) **Drainage.** The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. See Figure 1. No driveway apron shall extend out into the street further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way. All driveways and parking lots shall be graded in such way that no storm water reaches the roadway.

(5) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

- a. The filling or draining shall be to grades approved by the Town Engineer and except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required where the total culvert length is greater than three hundred (300) feet and/or where a bend or curve in the pipe is required.
 - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.
- (6) **Relocation of Utilities.** Any costs of relocating utilities shall be the responsibility of the property owner with the written approval of the Town Board necessary before any utility may be relocated and the driveway installed.
- (7) **Variances.** Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments.
 - (1) **Width of Drive.** No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty-six (36) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town or its representative, in its discretion, may permit a driveway of additional width.
 - (2) **Angular Placement.** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
 - (3) **Design Information.** The Town may, in its sole discretion, require that additional driveway design information, including design by a professional engineer, be submitted with the application.
 - (4) **Agricultural Driveway.** In interpreting this ordinance, special consideration shall be given to allow existing agricultural driveways in existence as of the effective date of this ordinance to remain as agricultural driveways in their present location and condition provided that such driveways are not hazardous, unsafe, or causing a water flow problem.
- (c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property.
 - (1) **Width.** Unless special permission is first received from the Town Board, or committee thereof, a residential single-type driveway shall be no greater than twenty-six (26) feet wide at the curb line or pavement edge and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-six (26) feet wide at the curb line and twenty-four (24) feet wide at the outer or street edge of the sidewalk.

- (2) **Angular Placement.** The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
- (3) **Design Information.** The Town may, in its sole discretion, require that additional driveway design information, including design by a professional engineer, be submitted with the application.
- (d) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Town to issue a permit for a private driveway may appeal such refusal to the Town Board within twenty (20) days after such refusal to issue such permit is made.
- (e) **Prohibited Driveways and/or Filling.**
 - (1) No person, firm, or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway, or street in the Town of Albion except as permitted in this Section. As used herein, the word "structure" includes private driveways, a portion of which extends into any public road, highway, or street, and which is in non-conformance with this ordinance.
 - (2) No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
 - (3) The grade of that portion of any private driveway located within the limits of any public road, highway, or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
 - (4) Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
 - (5) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
 - (6) The placement of lawn sprinkler pipes in a road right-of-way is prohibited.
- (f) **Culvert Construction Standards.**
 - (1) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. The size of all required culverts may be determined by the Town and/or Town Engineer. No pipe smaller than fifteen inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or concrete and shall be of new manufacture, unless specifically excepted by the Town or its representative.
 - (2) **Gauge.** The minimum wall thickness for the galvanized steel culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover
(in feet)

Class of Pipe

0-2

IV

2-3

III

3-6

II

- (3) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4) **Backfill Material.** Material used for backfill shall be of a quality acceptable to the Town or its representative and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- (5) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion or as directed by the Town or Town Engineer.
- (6) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof.
- (7) **Appeal.** Any person whose request has been denied may request a variance from the culvert requirements of this Section by filing a written appeals request within thirty (30) days of such denial with the Town Clerk, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may waive the requirement for a culvert and/or grant a variance request upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Town Engineer may be asked to render an opinion on the request.
- (g) **Enforcement.** All costs incurred by the Town relating to the enforcement of this ordinance or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineers' and attorneys' fees. If a property owner refuses to comply with the ordinance, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Section 1-1-3 Effective Date

This ordinance shall take effect the day after it's posting pursuant to law. The Town Board of the Town of Albion, Dane County, Wisconsin, duly adopted the above and forgoing ordinance at a regular meeting held at the Albion Town Hall, on the day of

APPROVED:


Roger J. Olson, Chairman

ATTEST:


Julie Hanewall, Clerk

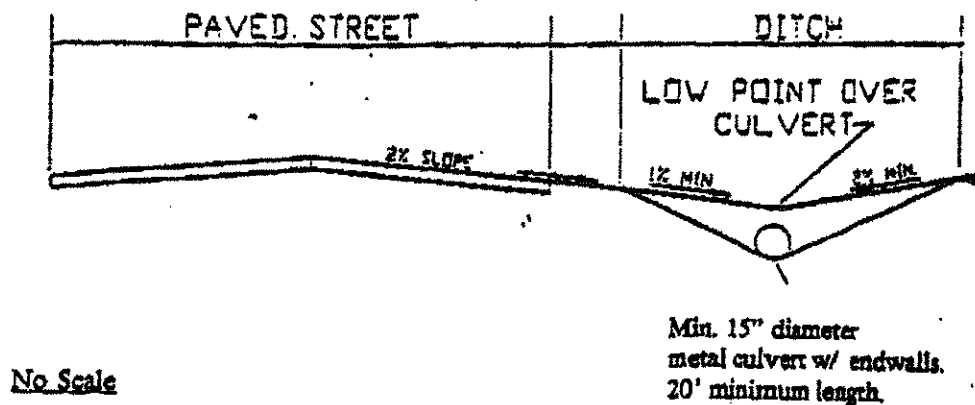
ADOPTED: November 17, 2011

POSTED:

Supervisor, Bruce Hudson introduced the above amendment and moved its passage.
Seconded by Thad Andrews.
Roll Call 5 Yes 0 No

Copies of this ordinance may be obtained at the clerk's office located at 620 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

DRIVEWAY STANDARDS SCHEMATIC



MAXIMUM driveway width at road is 36'.
Minimum driveway crown or cross slope is 2%.

**TOWN OF ALBION
ORDINANCE# 10-01**

Weight Limit for Class B roads

Town of Albion Ordinance# 10-01 Regulations of Weight Limits for Vehicles On
Town of Albion Roads

The Town Board of the Town of Albion, Dane County, Wisconsin, do ordain as
follows:

SECTION 1 – STATEMENT OF PURPOSE:

In the interest of public safety on Town Roads, the roads and streets, or portions thereof, of the Town of Albion are hereby declared to have special weight limitations as set forth herein, because, in the absence of such special limitations, there is a likelihood that they would be seriously damaged or destroyed. Such limitations are adopted pursuant to Sec. 349.16, Wis. Stats., which is hereby adopted by reference and made a part of this ordinance.

SECTION 2 – WEIGHT LIMITATIONS:

It shall be unlawful for any person to operate a vehicle that exceeds State of Wisconsin requirements for a Class B road on Town Roads, street or portions thereof, except when necessary for the purpose of delivering and moving supplies or other necessary commodities to or from any farm, place of business or residence fronting on any such roads, and except when necessary for the purpose of leaving or returning to a terminal or place of garaging a vehicle: however, such operator shall leave such road and re-enter roads not prohibited by such weight limitations at the closest to its immediate destination and shall take the most direct route to his destination. Municipal owned vehicles engaged in removal of snow or ice, sanding, or salting, Fire and EMS vehicles, vehicles involved in agricultural activities, fuel trucks, school buses and garbage/recycling trucks contracted by the Town shall also be exempt from the general weight restrictions of this Section. Roads with weight limitations are as follows:

SECTION 3 – NOTICES/SIGNS:

Appropriate weigh limitation signs shall be erected on Town Roads and/or streets. At all times a map showing the location of the signs shall be on file with the Town Clerk.

SECTION 4 – SEASONAL WEIGHT LIMITATIONS:

In addition to the permanent weight limitations on Town Roads, the Town Road Superintendents may impose special seasonal limitations on any Road or portion

thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, which would likely be seriously damaged or destroyed in the absence of such special limitations. When such seasonal limitations are in effect, the pick-up and delivery exceptions to Section 2 above shall not be applicable- except for the specially exempted vehicles allowed in Section 2, or by written permission of the Town Board

SECTION 5 – PERMIT TO ALLOW OVERWEIGHT LOADS:

The Town Road Supervisor or his or her designee shall be authorized to issue a special permit granting a person the privileged of exceeding weight limits as specified. A permit must be applied for in writing. Special permits may be issued only on an occasional basis for a non-routine load where no other practical alternative exists.

SECTION 6 – PENALTY FOR VIOLATION:

The penalty for violation of any provision of this ordinance shall be forfeiture as hereinafter provided, together with the costs of prosecution imposed and provided in Section 345.20 to 345.53, Wis. Stats. The forfeiture for a first violation of any provision of this ordinance shall be not less than Five Hundred (\$500.00) Dollars. The forfeiture for a second or subsequent offenses shall not be less than One Thousand (\$1000.00) Dollars.

SECTION 7 – ENFORCEMENT:

This ordinance shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, chapter 800, and Section 66.12, Wis. Stats. This ordinance may be enforced by the issuance of a citation by officials authorized to do so on behalf of the Town.

SECTION 8 – SEVERABILITY:

If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remaining provisions shall not be effected.

SECTION 9 – EFFECTIVE DATE:

This ordinance shall take effect the day after it's posting pursuant to law. The Town Board of the Town of Albion, Dane County, Wisconsin, duly adopted the above and forgoing ordinance at a regular meeting held at the Albion Town Hall, on the 1ST day of June, 2010

APPROVED:



Roger J. Olson, Chairman

ATTEST:



Julie Hanewall, Clerk

ADOPTED: June 1, 2010

POSTED: June 3, 2010

Supervisor, Bob Venske introduced the above amendment and moved its passage. Seconded by Thad Andrews

Roll Call 4 Yes 0 No

Copies of this amendment may be obtained at the clerks office located at 624 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

TOWN OF ALBION
ORDINANCE # 09-01

ORDINANCE TO REGULATE THE INSTALLATION AND
USE OF OUTDOOR HEATING DEVICES

Section 1. Purpose

Although outdoor heating devices may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This local law is intended to ensure that an outdoor heating device are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town.

Section II. Definitions

- (1) Outdoor Heating Device shall mean, but is not limited to, any device, appliance, equipment apparatus or structure that is designed, intended and or used to provide heat and or hot water to any associated structure, that operates by burning wood or any other solid fuel, including, but not limited to paper pellets and agriculture products, is not located within the structure to be heated, and includes, but not limited to, devices, referred to as wood furnaces, outdoor boilers and outdoor stoves.
- (2) Chimney" means a vertical structure or stack enclosing a flue or flues that carry off smoke or exhaust from an Outdoor Heating Device.

Section III. Regulations

- (1) All outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacture's instructions and regulations and all other applicable local, state and federal standards.
- (2) All outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets the EPA emission criteria identified in 40CFR Part 60 SupPart AAA, Section 6.532(b)(2).
- (3) All outdoor heating devices shall, in addition, be operated and maintained as follows:
 1. Fuel shall be only natural untreated wood, or other solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.

The following fuels are prohibited:

- (a) Processed wood products and any non-wood products
- (b) Petroleum in any form
- (c) Rubber
- (d) Plastic
- (e) Garbage
- (f) Painted wood or treated wood
- (g) Any other items not specifically allowed by the manufacturer

(3) Chimney heights and device location:

- (a) 25' from nearest side or rear property line
- (b) 2' above the highest eve line of the nearest residence with 75' of the device, on an adjacent property.
- (c) All chimneys greater than 15 feet in height above the ground shall be provided with documentation from the manufacturer specifying that the outdoor heating device will function with this increased chimney height and how the chimney shall be supported.

(4) All outdoor heating devices must be installed in accordance with all Town codes and manufacturer's guidelines. This includes any units that are being updated or refurbished.

Section IV. Nuisances

Should any outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood as determined by the constable, and/or fire chief, then the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this Section. If the nuisance can not be abated then operation of the device shall be discontinued until a solution to the nuisance can be found. The Town Board shall make a final determination as to whether the device shall be allowed, removed replaced or modified to meet the requirements of this ordinance. If the determination is made that the device must be removed, replaced or modified, the owner shall have 45 days from notification to rectify the situation as specified by the Town Board. This notification shall be delivered by the Town Clerk, Town Constable or other Town officer.

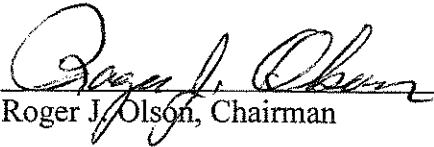
Section V. Exceptions

Where the Town of Albion finds that extraordinary hardship will occur from the enforcement of this ordinance, upon application to the Town Board, said Town Board may vary the regulations contained herein to afford substantial justice, provided that such exception will not have the effect of nullifying the intent and purpose of this local ordinance.

Section VI. Violations and penalties

Failure to comply with the provisions of this ordinance, shall, upon conviction, pay a forfeiture of not less than \$100 nor more than \$250.00, plus the applicable surcharges, assessments, and cost for each violation. Each day a violation exists or continues shall be considered a separate offense under this ordinance.

This ordinance shall take effect and be in full force from and after passage and publication or posting.


Roger J. Olson, Chairman

ATTEST:


Julie Hanewall, Clerk

ADOPTED:

Supervisor, Bob Venske introduced the above Ordinance and moved its passage.
Seconded by Bruce Hudson

Roll Call 4 Yes 0 No

Copies of this Ordinance may be obtained at the clerks office located at 624 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.

TOWN OF ALBION ORDINANCE NO. 99-1

AN ORDINANCE TO REGULATE, CONTROL AND PREVENT PUBLIC NUISANCES

I Authority

The Town Board of the Town of Albion has specific statutory authority pursuant to the specific statutory sections noted in this chapter and/or by its adoption of village powers under Sec. 60.10, Wis. Stats. and Sec. 60.22(3), Wis. Stats., and its police powers, to regulate, control, prevent and enforce against in the Town of Albion certain uses, activities, businesses and operations by persons that may cause a public nuisance in the Town of Albion.

II Public Nuisances Prohibited

No person shall cause, allow or permit any person to create any public nuisance in the Town of Albion.

III Public Nuisances Defined

A public nuisance is a thing, act, failure to act, occupation, or use of property which:

- A) **ENDANGERS SAFETY.** Shall unreasonably annoy, injure, or endanger the safety, health, comfort or repose of any person.
- B) **INSECURE IN LIFE OR USE OR PROPERTY.** Shall in any way render any person insecure in life or in use of property.
- C) **ABANDONED VEHICLES.** Shall be the keeping of a vehicle that is unregistered, inoperable, or unused, except as allowed by this ordinance.

IV General Provisions

- A. **PUBLIC HEALTH NUISANCES-** No person shall cause, allow or permit any person to create any public nuisance areas on premises owned, leased or controlled by that person in the Town of Albion. The following are specifically declared by the Town of Albion to be public health nuisances. **THIS DECLARATION SHOULD NOT BE CONSTRUED TO EXCLUDE OTHER PUBLIC NUISANCES AFFECTING PUBLIC HEALTH, SAFETY OR WELFARE IN THE TOWN OF ALBION.**

1. **DECAYED FOOD.** All decayed or unwholesome food offered for sale to the public.
2. **STAGNANT WATER.** All ponds, pools of water, or vessels holding stagnant water in which mosquitoes can breed
3. **BREEDING PLACES FOR VERMIN AND INSECTS.** Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing, material, scrap metal or any material whatsoever in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed.
4. **CARCASSES.** An unburied animal carcass area where a dead animal or dead animals are not buried in a sanitary manner within 12 hours of death.
5. **WASTE ACCUMULATION.** Accumulation of waste in excess of a normal and reasonable two (2) week accumulation.
6. **WATER POLLUTION.** The pollution of any public well or cistern stream or body of water by sewage, creamery or industrial wastes, or other substances.
7. **WELL POLLUTION.** The pollution of any private or shared well, where pollution from the premises entering the ground water has caused a private or shared well on another property to become contaminated.
8. **NOXIOUS ODORS.** Any use of property, substances or things within the Town of Albion emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenchs extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of people within the Town of Albion. Not included in the definition of "noxious odor" is ordinary and necessary odors associated with a farming operation provided that such operation is conducted in accordance with generally recognized and accepted farming practices.
9. **DANGEROUS BUILDINGS.** A dangerous building area where the building, structure, place or the electrical, heat or water supply is in a condition and location to cause a menace or danger to the public health or person in the Town of Albion.
10. **IMPROPER SEWAGE.** An improper sewage area where the effluent from the sewer, septic tank, holding tank or cesspool on the premises is in a condition and location to cause a menace or damage to the public health of persons of the Town of Albion.
11. **OTHER CONDITIONS AFFECTING PUBLIC HEALTH.** Any other conditions which create an unreasonable danger to the public health if allowed to continue.

B. **PUBLIC SAFETY NUISANCES-** No person shall cause, allow or permit any person to create any public nuisance areas on premises owned, leased or controlled by that person in the Town of Albion. The following are specifically declared by the Town of Albion to be public safety nuisances. **THIS DECLARATION SHOULD NOT BE CONSTRUED TO EXCLUDE OTHER PUBLIC NUISANCES AFFECTING PUBLIC SAFETY IN THE TOWN OF ALBION.**

1. **ABANDONED OR WRECKED MOTOR VEHICLES.** Abandoned or wrecked motor vehicle area where motor vehicles, tractors, house trailers, railroad cars and semi-trailer boxes are allowed to remain without proper a junkyard permit issued by the Town of Albion.
2. **UNSAFE STRUCTURES.** A dilapidated building area where old or dilapidated buildings, structures and equipment are allowed to stand while they are dangerous, unsafe, unsanitary, inhabitable or otherwise unfit for human use and occupancy.
3. **DANGEROUS TREES AND LIMBS.** A dangerous tree area where trees and limbs are in a condition and location to cause a menace or danger to public safety to persons in the Town of Albion.
4. **ILLEGAL BUILDING AREAS.** An illegal building area where buildings were constructed, repaired, expanded or altered illegally in violation of any Town of Albion, or County of Dane ordinances or State and federal laws.
5. **IMPROPER INSTALLATION OF SIGNS AND BILLBOARDS.** An improper structure area where signs, billboards, awnings and other structures are improperly, illegally or unsafely installed or maintained near public highways, road, streets, sidewalks, parks, public buildings, public premises or other public places in a condition and location to cause a menace or danger to public safety in the Town of Albion.
6. **LOUD NOISE.** A loud noise area where loud, discordant and unnecessary sounds including, but not limited to the sounds of motor vehicles, animals, or music repulsive to the senses of an ordinary person are allowed to continue the substantial annoyance of substantial discomfort or persons or injury to persons or property in the Town of Albion.
7. **UNAUTHORIZED TRAFFIC SIGNS.** An unauthorized traffic sign area where unauthorized signs, signals, marking or other sign devices are installed or maintained near a public highway, road, street, alley or railroad crossing and which they purport to be or can be mistaken for an official sign or other traffic control device or which because of their location, color, manner of operation or structure they will interfere with any official traffic control device in the Town of Albion.

8. **OBSTRUCTION OF VISION.** An obstruction area where structures, hedges, trees, weeds, signs, billboards, buildings or equipment are installed or maintained near a public highway, road, street, alley or railroad crossing and due to the condition and location block a clean view of traffic that causes a menace or danger to public safety of persons in the Town of Albion.
 9. **SEMI-TRAILER BOXES.** One or more semi-trailer boxes, whether with wheels off or on, not used regularly to haul cargo over the road unless the premises is zoned to allow such.
 10. **IMPROPER DUMPING.** No person or company shall dump or cause to be dumped litter, garbage or other debris on the property of another without consent of the property owner. With the consent of the owner, no dumping shall take place that is contrary to this or any other Albion Township Ordinance, Dane County Ordinance or Wisconsin State Statute.
 11. **OTHER CONDITIONS AFFECTING PUBLIC SAFETY.** Any other conditions which create an unreasonable danger to the public safety if allowed to continue.
- C. **SEPTIC MATERIAL.** No person in the Town of Albion shall cause, allow or permit any person to keep on premises owned, leased or controlled by that person any deleterious or septic material, unless the material is kept in proper containers which will prevent access to humans, flies, insects, vermin and other animals.
- D. **OBJECTIONABLE VEGETATIVE COVER AND NOXIOUS WEEDS.** Every owner or occupant of any premises in the Town of Albion shall destroy or mow any growth of ground cover or weeds as described below. Noxious weed exceeding 12 inches shall be cut or mowed in any area in the Town of ALBION.
1. **YARDS AND LAWNS.** Every owner or occupant of any premises in the Town of Albion, having a lawn, shall cut and maintain such lawn at a height not to exceed 6 inches.
 2. **NOXIOUS WEEDS.** Noxious weed exceeding 1 foot shall be cut or mowed in any area in the Town of Albion. Weeds for the purposes of this section shall include Canada thistle, leafy spurge, field bindweed, (creeping Jenny) and such other rank vegetable growth which exhales unpleasant or noxious odors and any other vegetation commonly known as weeds.
- E. **ACCUMULATION OF DEBRIS.** No person in the Town of Albion shall cause, allow or permit any person to allow the premises owned, leased or controlled by that person to become dangerous, unsafe, unsanitary, foul, a fire menace or public hazard by:

1. Allowing trash, debris, old lumber, furniture, freezers, stoves, refrigerators, or other appliances, junk motor vehicles or waste to accumulate outside a permanent, enclosed structure on the premises for more than fifteen (15) consecutive days in any calendar year.
2. Allowing explosives on the premises without approval of the Town Board of the Town of Albion.
3. Allowing unauthorized disposal, storage, treatment or recycling of waste on the premises without the appropriate approvals from the State of Wisconsin, the Town of Albion and the County of Dane.
4. Allowing any motor vehicle to be abandoned on any public highway, road, street or alley for more than two (2) consecutive days in any calendar year.

F. **STORAGE OF NONREGISTERED, UNUSED OR ABANDONED MOTOR**

VEHICLES: No person owning or having custody of any motor vehicle that does not have valid current registration, is inoperable, or unused, shall allow such vehicle to remain on any public street or grounds longer than 48 hours or upon private property longer than Ten (10) days after notification thereof by the Town of Albion Constable, his designee or the Town Board. Notification shall be accomplished by placing in a conspicuous place on the vehicle a dated notice, which shall be red in color, and by mailing or serving upon the owner or occupant in charge of the premises a dated written notice bearing the same date as the red notice setting forth briefly the applicable provisions of this subsection. The red notice shall read as follows: "WARNING. This vehicle is declared to be a public nuisance, if not removed and it may be removed and disposed of by the Town of Albion all as provided in the Ordinances of the Town of Albion. You must remove this vehicle from this location so as to make it in compliance with local Ordinance within: (either 48 hours or ten days, depending on its location). Any vehicle so tagged which is not removed within the appropriate amount of time, (48 hours if upon any public street or grounds or within ten (10) days if upon private property) is declared to be a public nuisance and may be removed and disposed of as provided in this chapter.

No person, after notification to remove any abandoned, inoperable or non registered motor vehicle from any private property pursuant to this section, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property so as to again make the vehicle in violation of this chapter. Whenever the Town of Albion Constable shall find or be notified that any such vehicle has been so removed, the time periods as originally provided for herein as applicable to the first location of the subject vehicle which first required the dated notice shall continue to apply notwithstanding such removal. In addition, such removal shall constitute a separate offense under this chapter.

1. **Exemptions:** Section IV F. shall not apply to a motor vehicle in an enclosed building; a vehicle in an appropriate storage place or depository maintained in a lawful place and

manner authorized by Ordinances of the Town of Albion.

2. **Definitions:** As used in this chapter;

a. **"Vehicle" or "Motor Vehicle"** means a motor vehicle, motor truck, automobile, motor bus, motor cycle, motorized scooter, station wagon, truck tractor, semi-trailer but does not mean a currently registered motor home, snowmobile, or boat.

b. **Abandonment of Vehicles Prohibited.** No person shall abandon any vehicle within the Town of Albion for such a time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

c. **Presumption of Abandonment.** Any vehicle left unattended for more than 48 hours on any public street or grounds, or for more than ten (10) days on private property is deemed to be abandoned and constitutes a public nuisance after notification thereof by the Town of Albion Constable, or the Town Board; provided that the vehicle shall not be deemed to be abandoned under this section if left unattended on private property out of public view, by permission of the owner or lessee.

3. **Abatement:**

a. **Removal and impoundment for sale.** Any vehicle in violation of this section and deemed a public nuisance pursuant to this ordinance shall be impounded by the Town of Albion until lawfully claimed or disposed of as provided in this Section. If the Town of Albion Constable or the Town Board reasonably determines that the towing costs and storage charges for the ten (10) days, paragraph 3b, below, would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon the determination by the Township that the vehicle is not wanted for evidence or any other reason; provided that if the vehicle is in excess of 19 model years of age it shall be sold or disposed of only by auction, sale or sealed bid in accordance with paragraph 3d, below.

b. **Minimum Impoundment Period.** The minimum period of impoundment or storage of a vehicle found in violation of this section shall be ten (10) days.

c. **Notice To Owner.** The Town official removing or causing the removal of any vehicle found in violation of this section shall immediately notify the Town Constable or Town Board of the abandonment and location of the vehicle, and as soon as practicable but not more than ten (10) days thereafter notify the owner and lien holders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Section 342.40(3) of the Wisconsin Statutes, and shall state that the failure of the owner or lien holder to exercise their rights to reclaim the vehicle shall be deemed a waiver

of all rights, title and interest in the vehicle and a consent to sale of the vehicle.

- d. **Sale.** Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in Section 342.40(3) of the Wisconsin Statutes.
- e. **Sale to Bar Claims Against Vehicle.** The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.
- f. **Purchaser to Remove Vehicle.** The purchaser of any vehicle on sealed bid or auction shall have ten (10) days to remove such vehicle from storage area upon payment of storage fees which shall be assessed beginning the second day after the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.
- g. **Request for List.** Any listing of vehicles to be sold pursuant to this section shall be made available by the Clerk to any interested person or organization who makes a written request therefore, for a fee of ten (\$10) dollars.
- h. **Notice to Department.** Within five (5) days after the sale or disposition of a vehicle under this section, the Town Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the department.
- i. **Owner May File.** At any time within two (2) years after the sale of a motor vehicle as provided herein, any person claiming ownership of such a motor vehicle or a financial interest therein may present a claim to the Town of Albion Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to the sale was not the result of the neglect or fault of the claimant. If the Town Board is satisfied as to the justice of such claim, it may allow the same but in no case shall the amount allowed exceed the sum paid to the Town treasury as the result of the sale of such motor vehicle, nor the amount of interest of the claimant therein.
- j. **Exemption.** Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place, not otherwise regulated as a restricted parking, stopping or standing zone, shall within 12 hours of such occurrence, notify the Town of Albion Constable or the Town board of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Town together with a fee of ten (\$10) Dollars to offset the cost of towing and junking charges and shall be exempt from the provisions of this subpart.

When so requested by the owner or person in charge of a vehicle the Town of Albion Constable or Town of Albion Board shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the contractor engaged by the Town for towing of disabled vehicles.

- k. **Incorporation of Wisconsin law.** Sec. 342.40, Wis. Stats, and any amendment thereto, is incorporated by reference herein. If any provision of this ordinance conflicts with such statute, the statutory language shall be deemed to control and is made part of this ordinance.

l. **Penalty.**

In addition to abatement, as provided for in Section IV. F. 3., above, any person or entity violating any provision of Section IV. F. of this Ordinance shall forfeit not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars for each violation, together with the court costs and the costs of prosecution. Each day's continuance of any violation shall constitute a separate violation. The imposition of one penalty for any violation of this ordinance shall not excuse the violation or permit it to continue; and all persons and entities on whom a penalty is imposed shall correct or remedy such violations or defects forthwith.

The application of the above penalty shall not prevent the enforced removal of prohibited conditions and obtaining injunctive relief.

V **Penalties**

The following penalty provisions apply to violations of this Ordinance, other than violations of the provisions of Section IV.F.

- A) **FORFEITURE.** Any person or entity violating any provision of Section IV.A. through E. of this Ordinance shall forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each violation, together with the court costs and the costs of prosecution. If the violation shall continue for more than one (1) day, each day shall constitute a separate offense.
- B) **ABATEMENT OF PUBLIC NUISANCES.** In addition to, or instead of, the imposition of a forfeiture, the Town of Albion may abate a public nuisance if the Town of Albion constable reasonably believes, after inspection, that a nuisance exists and that there is a great and immediate danger to the public health, safety, or peace. If the constable makes such determination, he shall report such to the Town Board Chairman; the Chairman may then direct the Town Constable to cause the nuisance to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining a nuisance.

If the Town Constable determines that a nuisance exists, but that it is not such as to threaten great and immediate danger to the public health, safety or peace, the Constable shall serve notice on the person causing or maintaining the nuisance to remove the same and/or cease or desist the offending conduct within ten (10) days or that nuisance may be summarily abated, as provided above.

- C) COURT PROCEEDING. Except where abatement is necessary to abate a nuisance constituting great and immediate danger to the public, force may not be used to obtain access to private property to abate a public nuisance; permission shall be requested of the owner or occupant of the private property to enter thereon to abate such nuisance and, if permission is denied, the Town Constable shall apply to any Court having jurisdiction for an order of abatement permitting the Town to enter upon private property in order to abate such nuisance, and, if appropriate, injunctive relief.
- D) COST OF ABATEMENT. The cost of abating a public nuisance shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and, if notice to abate the nuisance has been given to the owner of real property where the nuisance exists, such cost shall be assessed against the real estate as a special assessment.

The above and foregoing ORDINANCE was duly adopted by the Town Board of the Town of Albion, Dane County, Wisconsin, at its regular meeting held at the Albion Town Hall on the 5th day of October, 1999.

APPROVED: Roger J. Olson, Chairman
Roger J. Olson

ATTEST: Virginia L. Anderson, Clerk
Virginia L. Anderson

ADOPTED: Supervisor, Broughton introduced the above Ordinance and moved its passage. Seconded by Dave Anderson.

Roll Call: 5 yes 0 no

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