

# **Town of Paris Code of Ordinances**

## **Table of Contents**

### **CHAPTER 1--PREFACE**

- Sec. 1-1 Title, effective date, citation**
- Sec. 1-2 Definitions and Rules of Construction**
- Sec. 1-3 Conflict**
- Sec. 1-4 Provisions Deemed Continuations of Existing Ordinances**
- Sec. 1-5 Penalty Provisions**
- Sec. 1-6 Bond Schedule**
- Sec. 1-7 Uniform Citation Method Adopted**
- Sec. 1-8 Code Does Not Affect Prior Offenses or Rights**
- Sec. 1-9 Effect of Repeals**
- Sec. 1-10 Catchlines of Section; History Notes; References, and Editor's Notes**
- Sec. 1-11 Amendments to Code; Effect of New Ordinances; Amendatory Language**
- Sec. 1-12 Supplementation of Code**
- Sec. 1-13 Clerk to File Documents Incorporated by Reference**
- Sec. 1-14 Separability of Code Provisions**

### **CHAPTER 2--ADMINISTRATION**

#### **ARTICLE I. IN GENERAL**

- Sec. 2-1 Form of Government**
- Sec. 2-2 Village Powers Directed**

#### **ARTICLE II. CODE OF ETHICS**

- Sec. 2-3 Statutory Standards of Conduct**
- Sec. 2-4 Fair and Equal Treatment**
- Sec. 2-5 Rights Not Restricted; Notice**

#### **ARTICLE III. TOWN BOARD**

- Sec. 2-6 Composition**
- Sec. 2-7 Meetings**
- Sec. 2-8 Order of Business**
- Sec. 2-9 Presiding Officer**
- Sec. 2-10 Ordinances, Resolutions and Motions**
- Sec. 2-11 General Rules**
- Sec. 2-12 Suspension of Rules**
- Sec. 2-13 Composition**

**ARTICLE IV. ELECTIONS**

- Sec. 2-14 Ward Boundaries Established**
- Sec. 2-15 Polling Places**
- Sec. 2-16 Polling Hours**
- Sec. 2-17 Voter Registration**
- Sec. 2-18 Officials**
- Sec. 2-19 Nonpartisan Primary**
- Sec. 2-20 Hiring of Personnel**

**Division 2. Appointed Officials**

- Sec. 2-21 Enumeration**
- Sec. 2-22 Treasurer's Bond**
- Sec. 2-23 Refund of Excess Tax Payment**

**ARTICLE V. BOARDS AND COMMISSIONS**

- Sec. 2-24 Plan Commission**
- Sec. 2-25 Board of Review; Membership**
- Sec. 2-26 Administrative Review Appeals Board**
- Sec. 2-27 Ad Hoc Committees**

**ARTICLE VI. EMERGENCY GOVERNMENT**

- Sec. 2-28 Policy and Purpose**
- Sec. 2-29 Definitions**
- Sec. 2-30 Penalty for Violation of Article**
- Sec. 2-31 Emergency Government Committee**
- Sec. 2-32 Emergency Government Director**
- Sec. 2-33 Utilization of Existing Services and Facilities**
- Sec. 2-34 Emergency Regulations**
- Sec. 2-35 Mutual Aid Agreements**
- Sec. 2-36 Declaration of Emergencies**

**ARTICLE VII. PROPERTY ASSESSMENT REGULATIONS**

- Sec. 2-37 Duties of Assessor**
- Sec. 2-38 Preparation of Tax Roll and Tax Statements; Aggregate Tax Stated on Roll.**
- Sec. 2-39 First Installment Payment Deadline**
- Sec. 2-40 Delinquent Personal Property Taxes**
- Sec. 2-41 Statement of Real Property Status**

**ARTICLE VIII. FINANCE**

**Division 1. Generally**

- Sec. 2-42 Order Checks; Execution**
- Sec. 2-43 Town Public Depository**
- Sec. 2-44 Insufficient Fund Check Charge**
- Sec. 2-45 Service Charge**

## **ARTICLE IX. PUBLIC RECORDS**

- Sec. 2-46** Definitions
- Sec. 2-47** Duty to Maintain
- Sec. 2-48** Legal Custodians
- Sec. 2-49** Public Access to Records; Fees
- Sec. 2-50** Access Procedures
- Sec. 2-51** Limitations on Right to Access
- Sec. 2-52** Destruction
- Sec. 2-53** Preservation Through Microfilm

## **CHAPTER 3--INTOXICATING AND NON-INTOXICATING BEVERAGES**

### **ARTICLE I. LICENSES**

- Sec. 3-1** Required
- Sec. 3-2** Fees
- Sec. 3-3** Qualifications of Licensees and Permittees for License and Permit
- Sec. 3-4** Conditions and Restrictions
- Sec. 3-5** Retail "Class B" Liquor License Quota
- Sec. 3-6** Revocation, Suspension, Refusal to Renew

### **ARTICLE II. SALE, PREMISES, AND OPERATING REGULATIONS**

- Sec. 3-7** Closing Hours
- Sec. 3-8** Underage Person; Presence in Places of Sale
- Sec. 3-9** Consumption and Possession of Alcoholic Beverages by Underage Person

### **ARTICLE III. NON-INTOXICATING BEVERAGES**

- Sec. 3-10** Soda Water Beverages

## **CHAPTER 4--ANIMALS**

### **ARTICLE I. IN GENERAL**

- Sec. 4-1** Definitions
- Sec. 4-2** Enforcement of Chapter Provisions
- Sec. 4-3** Penalties for Violation of Chapter
- Sec. 4-4** Pet Waste
- Sec. 4-5** Farm Animals and Poultry not to Run at Large
- Sec. 4-6** Keeping of Livestock and Poultry
- Sec. 4-7** Exotic Animals

### **ARTICLE II. DOGS**

- Division 1.** Generally
- Sec. 4-8** Licensing
- Sec. 4-9** Rabies Vaccination Required

- Sec. 4-10 Rabies Control Program**
- Sec. 4-11 Running at Large; Untagged Dogs**
- Sec. 4-12 Duty to Report Dog Bite**
- Sec. 4-13 Howling Dogs**
- Sec. 4-14 Running at Large Prohibited; Exceptions**
- Sec. 4-15 Cruelty to Animals**

**Division 2. Impoundment**

- Sec. 4-16 Generally**
- Sec. 4-17 Release of Dog to Owner or Representative**
- Sec. 4-18 Release of Dog to Person Other than Owner**
- Sec. 4-19 Disposition of Dog**
- Sec. 4-20 Investigation**

**Division 3. Vicious or Hybrid Dogs**

- Sec. 4-21 Definitions**
- Sec. 4-22 Penalty for Violation of Division**
- Sec. 4-23 Prohibited Generally**
- Sec. 4-24 Requirements and Prohibitions**
- Sec. 4-25 Determination of Status; Appeal**
- Sec. 4-26 Compliance with Division Provisions**
- Sec. 4-27 Disposition**

## **CHAPTER 5-- BUILDINGS**

### **ARTICLE I. IN GENERAL**

### **ARTICLE II. CONSTRUCTION REGULATIONS**

#### **Division 1. Generally**

- Sec. 5-1 Purpose of Chapter**
- Sec. 5-2 Scope of Chapter**
- Sec. 5-3 Report of Chapter Violations**
- Sec. 5-4 Building Permits and Inspections**
- Sec. 5-5 Disclaimer on Inspections**
- Sec. 5-6 Garages**
- Sec. 5-7 New Methods and Materials**
- Sec. 5-8 Unsafe Buildings**

#### **Division 2. Electrical**

- Sec. 5-9 Definitions**
- Sec. 5-10 Electrical Permit**
- Sec. 5-11 Electrical Inspector**
- Sec. 5-12 Disclaimer on Inspections**
- Sec. 5-13 Penalty for Violation of Division**
- Sec. 5-14 Special Provisions for Temporary Installment**
- Sec. 5-15 Certificate of Compliance**
- Sec. 5-16 Notice of Non-Compliance**

**Sec. 5-17 Wind Energy Conservation Systems**

**Division 3. Plumbing**

**Sec. 5-18 Definitions**

**Sec. 5-19 Plumbing Inspector Powers and Duties**

**Sec. 5-20 Plumbing Permits**

**Sec. 5-21 Plumbers to be Licensed**

**Sec. 5-22 Inspection of Work**

**ARTICLE III. RADIANT HEATING UNITS**

**Sec. 5-23 Definitions**

**Sec. 5-24 Permit**

**Sec. 5-25 Inspection**

**ARTICLE IV. MOVING BUILDING**

**Sec. 5-26 Permit**

**Sec. 5-27 Insurance and Bond**

**Sec. 5-28 Public Hearing**

**Sec. 5-29 Determination of Planning Commission**

**ARTICLE V. SWIMMING POOLS AND PONDS**

**Sec. 5-30 Definitions**

**Sec. 5-31 Regulated**

**Sec. 5-32 Permit**

**Sec. 5-33 Construction Requirements**

**Sec. 5-34 Fences**

**Sec. 5-35 Electrical Requirements**

**Sec. 5-36 Use of Pool**

**ARTICLE VI. FEES AND CHARGES**

**Sec. 5-37 Fees for Building Permits and Inspections**

**Sec. 5-38 New Construction Deposit**

**Sec. 5-39 Fees for Inspection of All Electrical Equipment and Installation**

**Sec. 5-40 Permits for Temporary Electric Work**

**Sec. 5-41 Fees for Plumbing Permits**

**CHAPTER 6--BUSINESSES**

**ARTICLE I. IN GENERAL**

**Sec. 6-1 Penalty for Violation of Chapter**

**Sec. 6-2 Payment of All Fees and Charges Required**

**Sec. 6-3 General License Provisions**

**ARTICLE II. ADULT ORIENTED ESTABLISHMENTS**

**Sec. 6-4 Definitions**

- Sec. 6-5 Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms**
- Sec. 6-6 Additional Regulations for Nude Model Studios**
- Sec. 6-7 Additional Regulations Concerning Public Nudity**
- Sec. 6-8 Prohibition Against Children in a Sexually Oriented Business**
- Sec. 6-9 Prohibition Against Public Indecency**
- Sec. 6-10 Hours of Operation**
- Sec. 6-11 License Required**
- Sec. 6-12 Issuance of License**
- Sec. 6-13 Fees**
- Sec. 6-14 Inspection**
- Sec. 6-15 Expiration of License**
- Sec. 6-16 Suspension**
- Sec. 6-17 Revocation**
- Sec. 6-18 Transfer of License**
- Sec. 6-19 Exemptions**
- Sec. 6-20 Injunctions**

## **ARTICLE II. AMUSEMENT ARCADE**

- Division 1. Generally**
- Sec. 6-21 Definitions**
- Sec. 6-22 Penalty for Violation of Article**
- Sec. 6-23 Restrictions and Requirements**

- Division 2. License**
- Sec. 6-24 Required; Fees**
- Sec. 6-25 Transfer**
- Sec. 6-26 Suspension, Revocation or Non-Renewal**

## **ARTICLE IV. Cigarette Dealers**

- Sec. 6-27 Cigarette Retailer's License**

## **ARTICLE V. COIN-OPERATED MACHINES**

- Sec. 6-28 Definitions**
- Sec. 6-29 License**
- Sec. 6-30 Prizes and Gambling**

## **ARTICLE VI. JUNK DEALERS**

- Division 1. Generally**
- Division 2. License**
- Sec. 6-31 Required**
- Sec. 6-32 Exception**
- Sec. 6-33 Application**
- Sec. 6-34 Fee**
- Sec. 6-35 Inspection Requirements**

- Sec. 6-36 Referral of Applicant to Planning Commission
- Sec. 6-37 Referral of Applicant to Town Board
- Sec. 6-38 Revocation

## **ARTICLE VII. SHOOTING RANGES**

- Sec. 6-39 Permit

## **CHAPTER 7--FIRE PREVENTION AND PROTECTION**

### **ARTICLE I. IN GENERAL**

- Sec. 7-1 Penalty for violation of Chapter
- Sec. 7-2 Fire Protection Agreement
- Sec. 7-3 Fire Department and Rescue Squad Established
- Sec. 7-4 Organization
- Sec. 7-5 By Laws
- Sec. 7-6 Appropriations
- Sec. 7-7 Compensation
- Sec. 7-8 Organization
- Sec. 7-9 Powers and Duties of Chief
- Sec. 7-10 Disciplinary Review Committee
- Sec. 7-11 Control and Care of Apparatus
- Sec. 7-12 Authority of Fire Department at Incident
- Sec. 7-13 Fire Inspectors
- Sec. 7-14 Fire Inspection, Prevention, and Detection
- Sec. 7-15 Hazardous Materials
- Sec. 7-16 False Alarms
- Sec. 7-17 Enforcement, Action, and Penalties
- Sec. 7-18 Rescue Squad Fees Established

## **CHAPTER 8--HEALTH AND SANITATION**

### **ARTICLE I. IN GENERAL**

- Sec. 8-1 Penalty for Violation of Chapter

### **ARTICLE II. NUISANCE TYPE BUSINESSES**

- Sec. 8-2 Definitions
- Sec. 8-3 Permit Required
- Sec. 8-4 Authority of Article Provisions

### **ARTICLE 3. SOLID WASTE AND RECYCLING**

- Sec. 8-5 Guidelines
- Sec. 8-6 Drop Off Site
- Sec. 8-7 Businesses

## **CHAPTER 9--MOBILE/MANUFACTURED HOMES**

- Sec. 9-1 Statutes Adopted by Reference**
- Sec. 9-2 Parking Outside Licensed Mobile Home Parks**
- Sec. 9-4 Additions to the Parks**
- Sec. 9-5 Parking Permit Fees for Non-Exempt Mobile Homes**
- Sec. 9-6 Mobile Home Parks Prohibited in the Town of Paris**

## **CHAPTER 10--OFFENSES AND MISCELLANEOUS PROVISIONS**

### **ARTICLE I. IN GENERAL**

- Sec. 10-1 Offenses Against State Laws Subject to Forfeiture**
- Sec. 10-2 Penalties for Violation of Chapter**
- Sec. 10-3 Open Cisterns, Wells, Basements, or Other Dangerous Excavations**
- Sec. 10-4 Abandoned or Unattended Iceboxes or Other Airtight Containers**
- Sec. 10-5 Damage to Town Property**
- Sec. 10-6 Graffiti**
- Sec. 10-7 Littering**
- Sec. 10-8 Loud and Unnecessary Noise**
- Sec. 10-9 Loitering**

### **ARTICLE II. FIREARMS**

- Sec. 10-10 Penalties for Violation of Article**
- Sec. 10-11 Definitions**
- Sec. 10-12 Use of Weapons Regulated**
- Sec. 10-13 Throwing or Shooting of Arrows, Stones, and Other Missiles**

### **ARTICLE III. SMOKING**

- Sec. 10-14 Use of Cigarettes and Other Tobacco Products in Town Owned Buildings**

### **ARTICLE IV. CONSUMPTION OF ALCOHOL IN PUBLIC**

- Sec. 10-15 Definitions**
- Sec. 10-16 Prohibited Conduct**
- Sec. 10-17 Prohibited Conduct Outside Licensed Premises**
- Sec. 10-18 Exemptions to Article Provisions**

## **CHAPTER 11--PUBLIC NUISANCES**

### **ARTICLE I. IN GENERAL**

- Sec. 11-1 Penalty for Violation of Chapter**
- Sec. 11-2 Definitions**
- Sec. 11-3 Prohibited Generally**
- Sec. 11-4 Abatement**

**ARTICLE II. PUBLIC NUISANCES AFFECTING HEALTH**

**Sec. 11-5 Enumeration**

**ARTICLE III. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY**

**Sec. 11-6 Enumeration**

**ARTICLE IV. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

**Sec. 11-7 Enumeration**

**ARTICLE V. JUNK, JUNKED VEHICLES AND GARAGE OR RUMMAGE SALES**

**Sec. 11-8 Definitions**

**Sec. 11-9 Penalty for Violation of Article**

**Sec. 11-10 Public Nuisances Declared**

**Sec. 11-11 Storage of Vehicles**

**Sec. 11-12 Storage of Junk**

**Sec. 11-13 Garage or Rummage Sales**

**Sec. 11-14 Issuance of Citation; Action to Abate**

**CHAPTER 12--STREETS AND OTHER PUBLIC PLACES**

**ARTICLE I. IN GENERAL**

**Sec. 12-1 Obstructions and Encroachment**

**Sec. 12-2 Street Grades**

**Sec. 12-3 Depositing Snow on Town Highways**

**Sec. 12-4 Street Address Numbering Required**

**Sec. 12-5 Search for Government Markers**

**ARTICLE II. DRIVEWAYS AND CULVERTS**

**Division I. Generally**

**Sec. 12-6 Construction Regulations**

**Sec. 12-7 Culvert Installation**

**Sec. 12-8 Defective or Inadequate Culverts**

**Sec. 12-9 Digger Hotline Notification; Restoration**

**Sec. 12-10 Driveway Installation Required Prior to Construction**

**Sec. 12-11 Required**

**Sec. 12-12 Application; Fee**

**Sec. 12-13 Issuance**

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 1--PREFACE**

- Sec. 1-1 Title, effective date, citation.**
- Sec. 1-2 Definitions and Rules of Construction**
- Sec. 1-3 Conflict**
- Sec. 1-4 Provisions Deemed Continuations of Existing Ordinances**
- Sec. 1-5 Penalty Provisions**
- Sec. 1-6 Bond Schedule**
- Sec. 1-7 Uniform Citation Method Adopted**
- Sec. 1-8 Code Does Not Affect Prior Offenses or Rights**
- Sec. 1-9 Effect of Repeals**
- Sec. 1-10 Catchlines of Section; History Notes; References and Editor's Notes**
- Sec. 1-11 Amendments to Code; Effect of New Ordinances; Amendatory Language**
- Sec. 1-12 Supplementation of Code**
- Sec. 1-13 Clerk to File Documents Incorporated by Reference**
- Sec. 1-14 Separability of Code Provisions**

**Sec. 1-1. Title, effective date, citation.**

This Code shall be known as the "Town Code of the Town of Paris, Wisconsin" and shall take effect from and after passage and publication as provided in Wis. Stats. § 66.0103. All references thereto shall be cited by section number (example: section 1-1, Town of Paris Code of Ordinances)

**Sec. 1-2. Definitions and rules of construction.**

In the construction of this Code of general ordinances, the following definitions and rules of construction shall be observed, unless such definitions and rules of construction would be inconsistent with the manifest intent of the ordinances:

*Acts by agents.* When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

*Code.* Whenever the term "Code" is used without further qualification, it shall mean the Town Code of the Town of Paris, Wisconsin, as designated in section 1-1.

*Computation of time.* The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours, the whole of Sunday and of any town recognized holiday, from midnight to midnight, shall be excluded. If the last day within which an act is to be done or proceeding had or taken falls on Sunday or a legal holiday, the act may be done or the proceeding had or taken on the next secular day. When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to, or the service upon, or filing with any officer, agent, agency, department or division of the state or of the county, or a city, village, town, school district or other division of the state, of any money, return, statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed, do not include any office hours thereof on such Saturday, such proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or legal holiday. Regardless of whether the time limited in any ordinance for the taking of any proceeding or the doing of any act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time. The expression "legal holiday," as used in this definition means any statewide legal holiday provided in Wis. Stats. § 895.20. When an act is permitted to be done by the use of the postal service, and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law, or other holiday designated by the president such that the postal service does not receive registered mail or make regular

deliveries on that day, the day shall be considered a legal holiday for purposes of this definition.

**State law references:** Computation of time, Wis. Stats. § 990.001(4).

*County.* The term "county" means Kenosha County, Wisconsin.

*Following.* The term "following" means next after.

*Gender; singular and plural.* Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided, however, that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

*Includes.* The term "includes" does not limit a term to a specified example.

*May.* The term "may" is to be construed as being permissive and not mandatory.

*May not.* The term "may not" states a prohibition.

*Month.* The term "month" means a calendar month.

*Oath.* The term "oath" includes affirmation in all cases where by law an affirmation may be substituted for an oath. If an oath or affirmation is required to be taken, such oath or affirmation shall be taken before and administered by some officer authorized by law to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered, it shall end with the words "so help me God." In actions and proceedings in the court, a person may take an oath or affirmation in communication with the administering officer by telephone or audiovisual means.

**State law references:** Similar provisions, Wis. Stats. § 990.01(24).

*Officers and employees.* Whenever any officer or employee is referred to by title, such as "town clerk" or "clerk," such reference shall be construed as if followed by the words, "Town of Paris", Wisconsin."

*Owner.* The term "owner," as applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole part of such building or land.

*Person.* The term "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable

*Personal property.* The term "personal property" includes every species of property except real property.

*Preceding.* The term "preceding" means next before.

*Premises.* The term "premises," as applied to real property, includes land and structures.

*Property.* The term "property" includes real property, personal property and mixed property.

*Real property, real estate, land, lands.* The terms "real property," "real estate," "land" and "lands" include lands, tenements and hereditaments.

*Shall.* The term "shall" is to be construed as being mandatory.

*Street terrace.* The term "street terrace" means that portion of a street between the curblineline and the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians. If there is no public area between the lateral lines of the roadway and the abutting property line, then the area immediately abutting the street line shall be construed as the street terrace.

*Signature.* If the signature of any person is required by law, it shall always be the handwriting of such person, or if the person is unable to write, the person's mark or the person's name written by some other person at the person's request and in the person's presence, including the identification of the witness and any federal mandated facsimile signature.

**State law references:** Similar provisions, Wis. Stats. § 990.01(38).

*State.* The term "state" means the State of Wisconsin.

*Street.* The term "street" means any alley, avenue, boulevard, highway, road, lane, viaduct, bridge and the approach thereto, and any other public thoroughfare in the town. The term "street" also means the entire width thereof between abutting property lines. Street includes a sidewalk or footpath.

*Tenant, occupant.* The terms "tenant" and "occupant," as applied to a building or land include:

(1) Any person holding, either alone or with others, a written or oral lease of such building or land.

(2) Any person who, either alone or with others, occupies such building or land.

*Tense.* Terms used in the past or present tense include the future as well as the past and present.

*Town.* The term "town" means the Town of Paris, Wisconsin.

*Town board, board.* The terms "town board" and "board" mean the board of supervisors of the Town of Paris, Wisconsin.

*Week.* The term "week" means a period of seven consecutive days.

*Wis. Admin. Code.* The term "Wis. Admin. Code" means the current administrative regulations promulgated pursuant to law by state agencies.

*Wisconsin Statutes.* The terms "Wisconsin Statutes" and "Wis. Stats.," wherever used in this Code, shall mean the Wisconsin Statutes for the current year; the term shall include session laws of the legislature not yet printed in statute form.

*Writing.* The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means.

*Year.* The term "year" means a calendar year.

### **Sec. 1-3. Conflict.**

If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(Code 1984, § 22.02(1))

### **Sec. 1-4. Provisions deemed continuations of existing ordinances.**

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the town relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

### **Sec. 1-5. Penalty provisions.**

(a) *General penalty.* Except as provided in subsection (b) of this section, whenever so provided in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(1) *First offense; penalty.* Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction, forfeit not less than \$5.00 nor more than \$250.00, 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 until such forfeiture and costs are paid, but not exceeding 30 days.

(2) *Second offense; penalty.* Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance shall, upon conviction, forfeit not less than \$10.00 nor more than \$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 such forfeiture and costs of prosecution are paid, but not to exceed 90 days.

(b) *Penalty for minors.* If proceedings are commenced against children 16 years of age or older for violations of chapter 10, or children 14 years of age or older for other violations of this Code except chapter 10, the provisions of Wis. Stats. §§ 48.17(2), 48.237, 48.37, 48.343 and 48.344 shall be applicable.

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

(d) *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**Sec. 1-6. Bond schedule.**

The bond schedule of the town shall be as follows:

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) \_\_\_\_\_ of the Town Code of the Town of Paris, Wisconsin, is amended to read as follows:

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) \_\_\_\_\_ of the Town Code of the Town of Paris, Wisconsin, is created to read as follows: . . . ."

(d) All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the ordinance.

**Sec. 1-7. Uniform citation method adopted.**

(a) *Creation.* Pursuant to Wis. Stats. § 66.0113, the town elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.

(b) *Citation.* The citation shall contain the following:

- (1) The name and address of the alleged violator.
- (2) Factual allegations describing the alleged violation.

- (3) The time and place of the offense.
- (4) The section of the ordinance or Municipal Code violated.
- (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court.
- (7) A statement which, in essence, informs the alleged violator, as follows:
  - a. A cash deposit of a specified amount may be made which shall be delivered or mailed to the clerk of courts prior to the time of the scheduled court appearance.
  - b. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.
  - c. If the alleged violator makes a cash deposit and does not appear in court, he either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by Wis. Stats. § 757.05, a jail assessment imposed by Wis. Stats. § 302.46(1), a crime laboratories and drug law enforcement assessment imposed by Wis. Stats. § 165.755, any applicable consumer information assessment imposed by Wis. Stats. § 100.261, and any applicable domestic abuse assessment imposed by Wis. Stats. § 973.055(1) not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
  - d. If the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by Wis. Stats. § 757.05, the jail assessment imposed by Wis. Stats. § 302.46(1), the crime laboratories and drug law enforcement assessment imposed by Wis. Stats. § 165.755, any applicable consumer information assessment imposed by Wis. Stats. § 100.261, and any applicable domestic abuse assessment imposed by Wis. Stats. § 973.055(1).
- (8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subsection (b)(7) of this section has been read. Such statement shall be sent or brought with the cash deposit.
- (9) Such other information as the town board deems necessary.
  - (c) *Bond schedule.* The town bond schedule found in section 1-6 is adopted.
  - (d) *Issuance of citation.*
- (1) The town and any town police officer may issue citations authorized under this section.

(2) The following town officials may issue citations with respect to those specified Code chapters which are directly related to their official responsibilities:

- a. Building inspector: chapter 5.
- b. Electrical inspector: chapter 5.
- c. Plumbing inspector: chapter 5.
- e. Transfer station superintendent and deputy transfer station superintendents designated by the town board.
- f. Fire chief: chapter 7.

Such town officials may delegate their authority to issue citations to their subordinates.

(e) *Procedure.* Wis. Stats. § 66.0113(3), relating to a violator's options and procedure on default, is adopted and incorporated in this section by reference.

(f) *Nonexclusivity.* Adoption of this section does not preclude the town board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter

**Sec. 1-8. Code does not affect prior offenses or rights.**

Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

**Sec. 1-9. Effect of repeals.**

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the town board shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the town.
- (3) Affect any offense committed or penalty or forfeiture incurred previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(4) Affect any prosecution for any offense or the levy of any penalty or forfeiture pending at the time when any ordinance shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code, and shall be, in all respects, subject to the provisions of this Code.

**Sec. 1-10. Catchlines of sections; history notes, references and editor's notes.**

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) The history or source notes appearing in parentheses after sections in this Code have no legal effect and only indicate legislative history.

(c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

(d) Editor's notes and other references appearing after sections throughout this Code are not intended to have any legal effect but are merely intended to assist the user of the Code.

**Sec. 1-11. Amendments to Code; effect of new ordinances; amendatory language.**

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from reprinted pages affected thereby.

**Sec. 1-12. Supplementation of Code.**

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the town. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

(1) Arrange the material into appropriate organizational units.

(2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.

(3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.

(4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.

(5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).

(6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

**Sec. 1-13. Clerk to file documents incorporated by reference.**

Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the state statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth in this Code, and the clerk is directed and required to file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the clerk's office hours, subject to such orders or regulations which the clerk may prescribe for their preservation.

**Sec. 1-14. Separability of Code provisions.**

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The

town chair and town board declare that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 2--ADMINISTRATION**

**ARTICLE I. IN GENERAL**

- Sec. 2-1 Form of Government**
- Sec. 2-2 Village Powers Directed**

**ARTICLE II. CODE OF ETHICS**

- Sec. 2-3 Statutory Standards of Conduct**
- Sec. 2-4 Fair and Equal Treatment**
- Sec. 2-5 Rights Not Restricted; Notice**

**ARTICLE III. TOWN BOARD**

- Sec. 2-6 Composition**
- Sec. 2-7 Meetings**
- Sec. 2-8 Order of Business**
- Sec. 2-9 Presiding Officer**
- Sec. 2-10 Ordinances, Resolutions and Motions**
- Sec. 2-11 General Rules**
- Sec. 2-12 Suspension of Rules**
- Sec. 2-13 Compensation**

**ARTICLE IV. ELECTIONS**

- Sec. 2-14 Ward Boundaries Established**
- Sec. 2-15 Polling Places**
- Sec. 2-16 Polling Hours**
- Sec. 2-17 Voter Registration**
- Sec. 2-18 Officials**
- Sec. 2-19 Nonpartisan Primary**
- Sec. 2-20 Hiring of Personnel**

**Division 2. Appointed Officials**

- Sec. 2-21 Enumeration**
- Sec. 2-22 Treasurer's Bond**
- Sec. 2-23 Refund of Excess Tax Payment**

**ARTICLE V. BOARDS AND COMMISSIONS**

- Sec. 2-24 Plan Commission**
- Sec. 2-25 Board of Review; Membership**
- Sec. 2-26 Administrative Review Appeals Board**
- Sec. 2-27 Ad Hoc Committees**

**ARTICLE VI. EMERGENCY GOVERNMENT**

- Sec. 2-28 Policy and Purpose**
- Sec. 2-29 Definitions**

- Sec. 2-30** Penalty for Violation of Article
- Sec. 2-31** Emergency Government Committee
- Sec. 2-32** Emergency Government Director
- Sec. 2-34** Emergency Regulations
- Sec. 2-35** Mutual Aid Agreements
- Sec. 2-36** Declaration of Emergencies

#### **ARTICLE VII. PROPERTY ASSESSMENT REGULATIONS**

- Sec. 2-37** Duties of Assessor
- Sec. 2-38** Preparation of Tax Roll and Tax Statements; Aggregate Tax Stated on Roll.
- Sec. 2-39** First Installment Payment Deadline
- Sec. 2-40** Delinquent Personal Property Taxes
- Sec. 2-41** Statement of Real Property Status

#### **ARTICLE VIII. FINANCE**

- Division 1.** Generally
- Sec. 2-42** Order Checks; Execution
- Sec. 2-43** Town Public Depository
- Sec. 2-44** Insufficient Fund Check Charge
- Sec. 2-45** Service Charge

#### **ARTICLE IX. PUBLIC RECORDS**

- Sec. 2-46** Definitions
- Sec. 2-47** Duty to Maintain
- Sec. 2-48** Legal Custodians
- Sec. 2-49** Public Access to Records; Fees
- Sec. 2-50** Access Procedures
- Sec. 2-51** Limitations on Right to Access
- Sec. 2-52** Destruction
- Sec. 2-53** Preservation Through Microfilm

## **ARTICLE I. IN GENERAL**

### **Sec. 2-1. Form of government.**

The town operates under the town system of government under Wis. Stats. ch. 60.

### **Sec. 2-2. Village powers directed.**

Pursuant to Wis. Stats. § 60.22(3), the town board has been directed by the annual town meeting to exercise all powers relating to villages and conferred on village boards by Wis. Stats. ch. 61, except such powers, the exercise of which conflict with the statutes relating to towns and town boards.

## **ARTICLE II. CODE OF ETHICS**

### **Sec. 2-3. Statutory standards of conduct.**

There are certain provisions of the state statutes which, while not set forth in this section, are considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the statutes, as from time to time amended, are made a part of this code of ethics and shall apply to public officials and employees whenever applicable:

Wis. Stats. § 946.10, Bribery to public officers and employees

Wis. Stats. § 946.11, Special privileges from public utilities

Wis. Stats. § 946.12, Misconduct in public office

Wis. Stats. § 946.13, Private interest in public contract prohibited

### **Sec. 2-4. Fair and equal treatment.**

(a) *Use of town property.* No official or employee shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit.

(b) *Purchase of town property.* No official or employee may purchase any town-owned vehicle, equipment, materials or property, except by noticed sealed bids.

(c) *Obligations to citizens.* No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**Sec. 2-5. Rights not restricted; notice.**

(a) Nothing in this article shall deny any town official or employee the right as a citizen under the Constitution of the United States of America, the state constitution, the state statutes or any bona fide regulations of the state.

(b) Town officials shall be made aware of this article at the time of election, employment or appointment.

**ARTICLE III. TOWN BOARD**

**\*State law references:** Town board generally, Wis. Stats. § 60.20 et seq.

**Sec. 2-6. Composition.**

The town board shall consist of three supervisors, one of whom shall be designated on the election ballot as town chair. The three supervisors, including the chair, shall be elected in odd-numbered years for terms of two years.

**Sec. 2-7. Meetings.**

(a) *Regular meetings.* Regular meetings of the town board shall be held on the fourth Tuesday of each calendar month at 7:00 p.m. Any regular meeting falling on a legal holiday shall be held on a day designated by the town board.

(b) *Special meetings.* Special meetings of the board may be called by the town chair or two supervisors by filing a request with the clerk at least 24 hours prior to the time specified for such meeting. The clerk shall immediately post a notice of the meeting together with the agenda and notify each supervisor of the time and purpose of such meeting.

(c) *Place.* All meetings of the board, including special and adjourned meetings, shall be held in the town hall.

(d) *Quorum.* Two supervisors, including the town chair, shall constitute a quorum, but a lesser number may adjourn from time to time or compel the attendance of absent members.

**Sec. 2-8. Order of business.**

The business of the town board shall be conducted in the following order:

- (1) Call to order by presiding officer
- (2) Pledge of Allegiance
- (3) Minutes of prior meeting
- (4) Treasurer's report
- (5) Citizen's comments

- (6) Report of town chairman or his designee
- (7) Reports of town officers and committees.
- (8) Unfinished business from previous meetings.
- (9) New business, including introduction of ordinances and resolutions.
- (10) Adjournment

**Sec. 2-9. Presiding officer.**

(a) *Control of meeting.* The town chair shall preserve order and conduct the proceedings of the meeting. A member may appeal from the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.

(b) *Absence of town chair.* If the town chair is absent at any meeting, the clerk shall call the meeting to order and preside until the board selects a supervisor to preside for that meeting.

**Sec. 2-10. Ordinances, resolutions and motions.**

Ordinances, resolutions, bylaws, communications and other matters submitted to the board shall be read by title and author. No ordinance, resolution or bylaw shall be considered unless presented in writing by a supervisor. Unless requested by a supervisor before a final vote is taken, no ordinance, resolution or bylaw need be read in full. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the motion and the person seconding it.

**Sec. 2-11. General rules.**

The deliberations of the board shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised. No person other than a member shall address the town board except by majority vote of the members present.

**Sec. 2-12. Suspension of rules.**

The rules of this article or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

### **Sec. 2-13. Compensation.**

Town board members shall receive an annual salary determined at the town budget meeting. Such salary shall be payable in four (4) quarterly installments, commencing in the month after the member's term of office begins. For the purposes of this section only, the term of the annual salary shall begin on April 15 and end on the following April 14. In addition, actual out-of-pocket expenses incurred by town board members in the conduct of town affairs may be reimbursed. The payroll and requests for reimbursement shall be referred to the full town board for review and approval prior to disbursement.

## **ARTICLE IV. ELECTIONS**

**\*State law references:** Elections generally, Wis. Stats. § 5.01 et seq.

### **Sec. 2-14. Ward boundaries established.**

As provided in Wis. Stats. § 5.15 the town is hereby divided into 2 wards, the boundaries of which are as follows:

- (1) *Ward #1* shall consist of all properties located within the town south of the center line of STH 142.
- (2) *Ward #2* shall consist of all properties located within the town north of the center line of STH 142.

### **Sec. 2-15. Polling places.**

All primary, general, special and other elections in and for each of the wards of the town shall be held in the following places.

- (1) The polling place for both Ward 1 and Ward 2 shall be the Town of Paris Town Hall located at 16607 Burlington Road, Union Grove, Wisconsin 53182.

### **Sec. 2-16. Polling hours.**

The polls for all elections in the town, unless otherwise provided by law, shall be opened at 8:00 a.m. and closed at 8:00 p.m. each election day. (amended 10/26/04)

### **Sec. 2-17. Voter registration.**

- (a) *Required.* Pursuant to Wis. Stats. § 6.27, no elector of the town shall be permitted to vote unless registered in the manner provided by the statutes and laws of the state.
- (b) *Registry.* The town clerk shall have control of elector registration within the town and shall prepare and revise the registry, and is required to proceed with the registration of voters, all in the manner provided by the statutes and laws of the state.

**Sec. 2-18. Officials.**

(a) *Appointment; duties; powers.* Election officials for each polling place shall be appointed pursuant to Wis. Stats. §§ 7.30 and 7.32. Such election officials shall have all of the powers and perform all of the duties prescribed for such officers by statute. Inspectors shall serve as clerks of an election as may be necessary.

(b) *Alternate officials.* The town clerk is authorized to select alternate officials or two sets of officials to work at different times on election day.

(c) *Reduction of number.* The town clerk may reduce the number of election officials for any given election to not less than three and redistribute the duties of such remaining election officials.

**Sec. 2-19. Nonpartisan primary.**

As provided in Wis. Stats. § 8.05(3), the nomination of elective town officers shall be by nonpartisan primary election conducted in accordance with law.

**Sec. 2-20. Hiring of personnel.**

(a) The duties and wages of officials and employees of the town shall be set by the town board, not inconsistent with Wisconsin Statutes Sections 60.30-60.37 (2000)

**Sec. 2-21. Enumeration.**

The appointed officials of the town shall consist of the following:

(1) *Building inspector:* Appointed by the town chair, subject to confirmation by the town board, in May of each even-numbered year for a three-year term.

(2) *Plumbing inspector:* Appointed by the town chair, subject to confirmation by the town board, in May of each even-numbered year for a two-year term.

(3) *Electrical inspector and assistant:* Appointed by the town chair, subject to confirmation by the town board, in May of each even-numbered year for a two-year term.

(4) The positions of building inspector, plumbing inspector and electrical inspector may be consolidated to one position or one person may be appointed to all three positions at the discretion of the town chairman, subject to confirmation by the town board. The consolidation of these inspector positions may be for an indefinite period of time.

(5) *Planning commission chairman.* The plan commission shall, at its initial meeting, elect a chairperson.

(6) *Weed commissioner.* Appointed by the town chair subject to confirmation by the town board for a three-year term.

(7) *Town assessor:* The town shall appoint an assessor who as a "independent contractor" as defined in Wis. Stats. § 60.307 (4). All such contracts shall include a provision identifying the individual responsible for the assessment. The designee shall file an official oath under §19.01 and sign the affidavit of the assessor attached to the assessment rolls §70.49. No individual may be designated by an independent contractor unless he or she has been granted the appropriate certificate under §73.09. (Statute reference 60.307 Wis. Stats.)

(8) *Town clerk-treasurer:* The town herein combines the offices of clerk and treasurer. The combined offices shall be elected. The elected office shall commence at the expiration of the terms of clerk and treasurer in the odd numbered years. Subsequently, the combined office election shall continue for a term of two years, reelection to occur in the odd numbered years.

Cross Reference: Town of Paris, August 27, 2002

**Sec. 2-22. Treasurer's bond.**

The town treasurer, pursuant to the Wis. Stats. §70.67(1), is normally required to file a surety bond. Under the provisions of §70.67(2), the Town of Paris is hereby obligated and undertakes to pay all taxes of any kind to be paid to the county treasurer in the event that the town treasurer shall fail to do so and further, that this obligation and undertaking by the Town of Paris is substituted for the municipal treasurers bond provided in Wis. Stats. §70.67(2).

Cross Reference: December 19, 1983 adopted ordinance, Town of Paris.

**Sec. 2-23. Refund of Excess Tax Payment**

Pursuant to the provisions of Wis. Stats. 74.03(2) and under the alternate claims procedure of Wis. Stats. 60.42(2) the treasurer is authorized upon the clearing of a check of a taxpayer and no more than ten (10) days after deposit, to notify the clerk of the name and address of the taxpayer to whom a refund in excess is due for overpayment. The amount of the refund, the date the payment was received, and a statement that the payment has cleared the depository bank shall be required. Upon receiving the notice from the treasurer, the clerk shall prepare a voucher of authorization to provide the excess funds be returned by draft, which shall be signed by the chairman and the clerk. The refund check shall be delivered or mailed to the taxpayer at the last known mailing address as shown on the tax records within fifteen (15) days of the date within 15 days of the date the tax payment was received by the treasurer.

## **ARTICLE V. BOARDS AND COMMISSIONS**

### **Sec. 2-24. Plan commission.**

(a) *Membership.* The plan commission shall consist of seven members who shall be appointed by the Town Chairperson with approval of the Town Board. All members shall be citizens of the Town of Paris and have recognized qualification and experience.

(b) *Organization.* The Plan Commission shall, at its initial meeting, elect a Chairperson, Vice-Chairperson, and a Secretary, and organize and adopt rules and regulations for its own government.

(c) *Compensation.* The town board shall establish, annually by resolution, the compensation to be paid to members to defray expenses related to service on the plan commission.

(d) *Terms of Members.* The commission members shall be appointed for three-year terms which shall commence on May 1<sup>st</sup> of each year. In the event of a vacancy, the Town Chairperson shall appoint a succeeding member to serve out the term of the retiring or vacating member. Terms of the citizen members shall be staggered. For the initial term, two members shall be appointed for one year, two shall be appointed for two years, and three members shall be appointed for three years, and thereafter, all members shall serve a three-year term.

(e) *Meetings.* Meetings shall be held monthly or at the call of the Chairperson, with not less than twenty-four (24) hour notice.

(f) *Standing and Special Committees.* Standing and special committees may be appointed by the Chairperson.

(g) *Quorum.* There shall be four (4) members and the quorum may act upon any business coming before the commission.

(h) *Written Record.* A written record shall be kept by the secretary of the commission, who shall record all actions taken, resolutions, findings, determinations, transactions, and recommendations made by the commission and the secretary shall file all commission records with the Town Clerk within five days of the meeting.

(i) *Open Meetings.* All meetings of the plan commission shall be open to the public and properly noticed as set forth in Chapter 19 of the Wis. Stats.

(j) *Powers.* The plan commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote Town planning. Such powers shall include:

1. To employ experts and a staff and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Town Board.

2. To make reports and recommendations relating to the plan and development of the Town to public officials, agencies, utilities, and other organizations and citizens.

3. To request available information from any public official to be furnished within a reasonable time.

4. To enter upon any land in the performance of its functions, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

(k) *Duties.* The Plan Commission shall have the following functions and duties:

1. To make and adopt a master plan for the physical development of the Town, taking into consideration any areas outside the Town boundaries having a development.

2. To make and recommend an official map to the Town in accordance with Section 62.23(6) of the Wisconsin Statutes.

3. To prepare and recommend zoning district changes, plans, and regulations to the Town Board or consideration for amendments and changes to the Kenosha County Zoning and Shoreline/Floodplain Zoning Ordinance.

4. To prepare and recommend land division regulations to the Town Board in accordance with Section 236.45 of the Wisconsin Statutes.

5. To make any changes to the Master Plan they deem necessary or desirable and to recommend any changes or amendments to the board that they deem necessary or desirable concerning the Official Map, Zoning, Land Division, and Fire Protection Ordinances.

6. To consider and report or recommend on all matters referred to them.

(l) *Referrals.* The Town Board shall refer to the Plan Commission, for its consideration and report before final action is taken, the following matters:

1. Location and design of any public buildings, statutes, or memorials.

2. Location, acceptance extensions, alterations, vacations, abandonment, change of use, sale acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking area, or other memorial or public grounds.

3. Location, character and extent, or acquisition, leasing or sale of lands for public subject to Section 60.10 Wis. Stats. on semipublic housing, relief of congested areas.

4. All divisions of land and all proposed or requested changes and amendments to the Master Plan, Official Map, Zoning, Land Division, and Fire Protection Ordinances.

(m) *Additional Powers and Duties.* The Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by ordinances, and in so far as applicable to a Town Plan Commission, those duties granted or assigned by Section 62.23 of the Wisconsin Statutes, as same shall be amended or adopted from time to time, are granted and assigned to the commission.

(n) *Standards for Petitions and Applications to the Planning Commission.* All petitions, applications, or matters referred to the commission under Sec. 5 and 6 of this ordinance shall be filed with the town clerk not less than nine (9) days prior to the commission meeting, and further applications for rezoning, variance, or conditional use shall at the time of filing be submitted with the forms or outlines required by the Kenosha County Planning and Development Office and the following:

(1) A detailed description of the intended use.

(2) A sketch of the proposed site showing all pertinent information which shall include but not be limited to the location of the proposed improvements, including out buildings, driveways, waterways, and on-site sewage disposal systems.

(3) Names and addresses of all surrounding landowners within 300 feet of the parcel under consideration which lists shall be prepared from the files of the Kenosha County Land Information Office.

(4) A copy of the assessor's plat of the site showing tax parcel identification numbers and current zoning of adjacent properties.

(5) Land divisions shall include a comprehensive plan for the entire parcel with preliminary drawings to show how utilities will be provided to remaining parcels. The commission may require additional or further detail if not satisfied with their preliminary drafts.

(6) Water drainage must be shown by providing topographical maps of the area provided by the Kenosha County Planning and Development Office.

**Sec. 2-25. Board of review; membership.**

The board of review shall consist of three (3) persons appointed by the Town chair for three-year staggered terms. An alternate member shall also be appointed to serve a one-year term. The town board members and the town residents shall be appointed annually by the town chair, subject to confirmation by the town board, for one-year terms. The initial meeting of the board of review

shall not be less than two hours. The Clerk shall publish a Class A Notice of the time and place of the first meeting, and place in at least three public places at least fifteen (15) days prior to the first session.

**Sec. 2-26. Administrative review appeals board.**

(a) *Membership.* The administrative review appeals board shall consist of the town chair who shall be its presiding officer, a supervisor, and a citizen member. The supervisor and citizen member shall be appointed in odd-numbered years by the town chair, subject to confirmation by the town board, for two-year terms.

(b) *Powers and duties.* The board shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of town officers, employees, agents, agencies, committees, boards and commissions filed in accordance with Wis. Stats. § 68.10. In conducting administrative review hearings and making final decisions, the board shall be governed by Wis. Stats. §§ 68.11 and 68.12.

**Sec. 2-27. Ad hoc committees.**

(a) *Appointment.* The town chair, subject to town board confirmation, shall appoint all ad hoc committees and designate the chair of each.

(b) *Membership.* The membership of ad hoc committees may be town board members or citizens or a combination thereof.

(c) *Reports.* Each ad hoc committee shall, from time to time, submit written or oral reports and recommendations as requested by the town board.

(d) *Term.* The term of each ad hoc committee shall be for either a term established by the town board or until terminated by the board.

**ARTICLE VI. EMERGENCY GOVERNMENT**

**\*State law references:** Emergency management generally, Wis. Stats. § 166.01 et seq.

**Sec. 2-28 Policy and purpose.**

(a) Emergency government shall mean the preparation for the carrying out of all emergency functions to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or by fire, flood or other natural causes.

(b) By reason of the increasing possibility of disasters or unprecedented destructiveness and to ensure that preparation will be adequate to cope with such disasters and to provide for the common defense, to protect the public peace and to preserve the lives and property of the people, it is necessary to:

- (1) Establish a local emergency government department.
- (2) Provide for exercise of necessary powers during emergencies.
- (3) Provide for the rendering of cooperation and mutual aid between the town and other political subdivisions.

(c) It is further declared to be the purpose of this article and the policy of the town that all emergency government functions of the town be coordinated to the maximum extent applicable with existing services and facilities of the town and with the comparable political subdivision and the various private agencies to the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disasters that occur.

**Sec. 2-29 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Civil defense* means all measures undertaken by or on behalf of the state and the county and the town to prepare for and minimize the effects of enemy action upon the civilian population.

*Emergency government* includes civil defense and means all measures undertaken by or on behalf of the town within the town:

- (1) To prepare for and minimize the effect of enemy action and natural or manmade disaster upon the civilian population.
- (2) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

*Enemy action* means hostile action by a foreign power which threatens the security of the town.

**Cross references:** Definitions generally, § 1-2.

**Sec. 2-30 Penalty for violation of article.**

It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency government department in the enforcement of any order, rule, regulation or plan issued pursuant to this article, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this article and, upon conviction, shall be subject to a forfeiture not to exceed \$200.00.

**Sec. 2-31 Emergency government committee.**

(a) *Membership.* The emergency government committee shall consist of the town chair, the town board of supervisors, the town fire department chief, the assistant chief in charge of rescue operations, the assistant chief in charge of fire operations, and the town clerk, and the town legal counsel. The town chair shall serve as chair of the committee and director of the emergency government, and the town clerk shall serve as secretary, and the town fire department chief shall serve as the deputy director of the emergency government.

(b) *Powers and duties.* The emergency government committee shall be an advisory and planning group and shall advise the town chair, who shall act as the director of emergency government for the Town.

**Sec. 2-32 Emergency government director.**

(a) *Appointment.* The town fire department chief shall serve as the deputy emergency government director.

(b) *Powers and duties.*

(1) The director shall be the executive head of the emergency government department and shall be directly responsible for the organization, administration and operation of the emergency government department, who shall be the town chair. He shall coordinate all activities for emergency government within the town and shall maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and the state and federal governments, and shall participate in county and state emergency government activities upon request, and shall have such additional authority, duties and responsibilities as are authorized by this article and which may, from time to time, be required.

(2) In accordance with the state plan format and the county ordinance of compliance, the director shall have the deputy director prepare a comprehensive general plan for the town board's approval. When the board has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency government forces of the town to perform the duties and functions assigned by such plan as approved. The plan may be modified in like manner.

**Sec. 2-33. Utilization of existing services and facilities.**

In preparing and executing the emergency government plan, the director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the town to the maximum extent practicable and the officers and personnel of all such services and facilities.

### **Sec. 2-34 Emergency regulations.**

Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the town board, the town chair or, in his absence, the emergency government director may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety and preserve lives and property and to ensure the cooperation necessary in emergency government activities. Such proclamations shall be posted in three public places and may be rescinded by the town chair at any time.

### **Sec. 2-35 Mutual aid agreements.**

The director may, subject to the approval of the town board, enter into mutual aid agreements with other political subdivisions. A copy of such agreements shall be filed with the state and county directors of emergency government.

### **Sec. 2-36 Declaration of emergencies.**

Upon the declaration by the governor, by the town chair or by the emergency government deputy director in the absence of the town chair, or the town board of a state of emergency, the director shall issue all necessary proclamations as to the existence of such state of emergency, and shall issue such disaster warnings or alerts as shall be required in the emergency government plan. The emergency government department shall take action in accordance with the emergency government plan upon the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority provided that any such declaration not issued by the governor may be terminated at the discretion of the town chair.

## **ARTICLE VII. PROPERTY ASSESSMENT REGULATIONS\***

**\*Editor's note:** Whereas, as part of the Budget Adjustment Act, 1997 Wisconsin Act 237, a number of significant changes regarding property tax assessment appeals and Board of Review procedures were enacted; and

Whereas, at section 279(k) of 1997 Wisconsin Act 237, section 70.47(7)(af) of the Wisconsin Statutes was created; and

Whereas, Section 70.47(7)(af), Wis. Stats., requires that the municipality provide by ordinance for the confidentiality of information about income and expenses that is provided to the assessor under section 70.47(7)(af), Wis. Stats., and shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of the court.

**State law references:** Property taxes generally, Wis. Stats. § 70.01 et seq.

**Sec. 2-37. Duties of assessor.**

(a) Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to Wis. Stats. § 70.47(7)(af), or any successor statute, then such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis; except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties); or pursuant to the order of a court. Income and expense information provided to the assessor under Wis. Stats. § 70.47(7)(af), unless a court determines that it is inaccurate, is, per Wis. Stats. § 70.47(7)(af), not subject to the right of inspection and copying under Wis. Stats. § 19.35(1).

(b) *Confidentiality.* All information obtained during assessment by assessors or their employees shall be confidential information and shall not be used for any purposes other than the specific purposes of determining the valuation of property for tax and related purposes. The penalty shall be as set out in Sec. 1-5.

**Sec. 2-38. Preparation of tax roll and tax statements; aggregate tax stated on roll.**

Pursuant to Wis. Stats. § 70.65(2), the town clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

**Sec. 2-39. First installment payment deadline.**

Pursuant to Wis. Stats. § 74.09(3)(h), the last day of January is established as the final day for the payment of the first installment of real estate taxes.

**Sec. 2-40. Delinquent personal property taxes.**

The town board hereby imposes a penalty of 1.5 percent per month or fraction of a month, in addition to the interest imposed on any overdue or delinquent personal property taxes.

**Sec. 2-41. Statement of real property status.**

A statement of real property status shall be provided upon request by the treasurer or the clerk for a fee set by the board by resolution.

## **ARTICLE VIII. FINANCE\***

**\*Cross references:** Any ordinance for the letting of contracts without bids saved from repeal, § 1-8(a)(9).

**State law references:** Town finances generally, Wis. Stats. § 60.40 et seq.

### **DIVISION 1. GENERALLY**

#### **Sec. 2-42. Order checks; execution.**

All disbursements of the town shall be by order check which shall not be valid unless signed by two officials of the town. Those two officials shall be the town chairperson and the town clerk or clerk/treasurer.

#### **Sec. 2-43. Town public depository.**

Pursuant to Wis. Stats. § 34.05(1), the town board annually shall designate the town public depository.

#### **Sec. 2-44. Insufficient fund check charge.**

A fee set by the town board is imposed upon the payer of any insufficient funds check returned to the town. The treasurer is directed to post a notice of such charge at the town hall.

#### **Sec. 2-45. Service charge.**

A service charge of 15 percent shall be added to all invoices for services or user fees assessed, and the charge shall be collected by the clerk or treasurer at the time such services are delivered.

## **ARTICLE IX. PUBLIC RECORDS\***

**\*State law references:** Public records generally, Wis. Stats. § 19.21 et seq.

#### **Sec. 2-46. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authority* means any of the following town entities having custody of a town record: an office, elected official, agency, board, commission, committee, town board, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted sub-unit of the foregoing.

*Custodian* means that officer, department head, division head or employee of the town designated under section 2-463 or otherwise responsible by law to keep and preserve any town records or file, deposit or keep such records in his office, or is lawfully in possession or entitled to possession of such public records and who is required by this article to respond to requests for access to such records.

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

**Cross references:** Definitions generally, § 1-2.

**Sec. 2-47. Duty to maintain.**

(a) Each officer and employee of the town shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which he may be lawfully entitled as such officer or employee.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody, and the successor shall receipt therefor to the officer or employee, who shall file such receipt with the clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(c) The town board may provide for destruction of obsolete public records. Prior to the destruction, at least sixty (60 ) days' notice in writing of such destruction shall be given to the historical society which shall preserve any such record it determines to be of historical interest. The historical society may, upon application, waive such notice. No assessment roll containing forest crop acreage may be destroyed without the approval of the secretary of revenue.

(d) The town shall maintain records on file for seven (7) years unless a shorter period of time has been fixed by the public records board. Water stubs, receipts or current billings and customer's ledgers of any municipal utility may not be kept on file for less than two (2) years.

(e) Any taped recording of a meeting by any governmental body as defined under Wis. Stats. §19.82(1) may be destroyed no sooner than ninety (90) days after the minutes have been approved and published if the purpose of that recording was to take minutes of the meeting.

(Amended 2/25/03)

**Sec. 2-48. Legal custodians.**

(a) Each elected official is the legal custodian of his records and the records of his office, but the official may designate an employee of his staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the clerk, or the clerk's designee, shall act as legal custodian for the town board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the town board, or in his absence or disability or in case of vacancy, the deputy clerk is designated the legal custodian of all town records.

(c) For every authority not specified in subsections (a) or (b) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. subchapter II of chapter 19 (Wis. Stats. § 19.21 et seq.) and this article. The designation of a legal custodian does not affect the powers and duties of an authority under this article.

**Sec. 2-49. Public access to records; fees.**

(a) Any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. § 19.35(1).

(b) Records will be available for inspection and copying during all regular office hours.

(c) A requester shall be permitted to use facilities comparable to those available to town employees to inspect, copy or abstract a record.

(d) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(e) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

(1) The cost of photocopying shall be as set by the board. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.

(2) If mailing or shipping is necessary, the actual cost thereof shall also be charged.

(3) Except as provided in section 2-51, there shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

(4) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to ensure payment if such estimate exceeds \$5.00.

(5) Elected and appointed officials of the town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(6) The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.

(7) The custodian of real and personal property tax records shall establish from time to time the reasonable fees for locating, compiling and reporting such tax records. A procedure for requesting such information shall be established and published in accordance with subsection (f) of this section.

(f) Pursuant to Wis. Stats. § 19.34, and the guidelines therein listed, each authority shall adopt, prominently display, and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of the legal custodian from whom, and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the town board.

### **Sec. 2-50. Access procedures.**

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided in this section, no request may be refused because the request is received by mail unless prepayment of a fee is required. A requester may be required to show

acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request, in whole or in part, and reasons therefor. If the legal custodian, after conferring with the town attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in section 2-466. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied, in whole or in part, the requester shall receive a written statement of the reasons for denying the request. For every written denial of a record for which a request was made in writing, the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.

**Sec. 2-51. Limitations on right to access.**

(a) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this article:

(1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.

(2) Any record relating to investigating information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.

(3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.

(4) Contractors' records. Each authority shall make available for inspection and copying under Wis. Stats. § 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority. This subsection does not apply to the inspection or copying of a record under Wis. Stats. § 19.35(1)(am).

(5) A record or any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by Wis. Stats. § 43.30, public library circulation records are exempt from inspection under this article.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the town attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

(1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

(2) Records of current deliberations after a quasi-judicial hearing.

(3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any town officer or employee, or the investigation of charges against a town officer or employee, unless such officer or employee consents to such disclosure.

(4) Records concerning current strategy for crime detection or prevention.

(5) Records of current deliberations or negotiations on the purchase of town property, investing of town funds or other town business whenever competitive or bargaining reasons require nondisclosure.

(6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

(7) Communications between legal counsel for the town and any officer, agent or employee of the town when advice is being rendered concerning strategy with respect to current litigation in which the town or any of its officers, agents or employees is, or is likely, to become involved, or communications which are privileged under Wis. Stats. § 905.03.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the town attorney prior to releasing any such record and shall follow the guidance of the town attorney when separating out the exempt material. If in the judgment of the custodian and the town attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing

nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

**Sec. 2-52. Destruction.**

(a) Pursuant to Wis. Stats. § 19.21(4), town officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board, pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period:

- (1) Notices of tax apportionment received from the county clerk, after three years.
- (2) Copies of lists of town officers certified to the county clerk by the town clerk, after the date of expiration of the term listed.
- (3) Copies of crop reports made to the county clerk by the town assessor, after three years.
- (4) Records of illegal tax certificates charged back to the town, three years after date of charging back the certificates.
- (5) Official bonds, after six years.
- (6) Claims filed against or paid by the town and papers supporting such claims, after seven years.
- (7) Contracts, notices of taking bids, and insurance policies to which the town is a party, seven years after the last effective date thereof.
- (8) Election notices, and proofs of publication and correspondence filed in connection with such notices, one year after the date of the election, except in cases where an election is contested, in which case such records shall be retained until one year after the contest has been settled.
- (9) Copies of reports of the town treasurer to the county clerk on dog licenses sold and records of dog licenses issued, after three years.
- (10) Town clerk's copies of receipts issued by the town treasurer, four years or until after being competently audited, whichever date is earlier.
- (11) Notices given by the county clerk to the town assessor setting out lands owned and sold by the county, after three years.
- (12) Tax receipts, after 15 years.
- (13) All other receipts of the county treasurer, after seven years.

- (14) Canceled checks and town orders, after seven years.
- (15) Oaths of office, after seven years.
- (16) Notices for which no other provision is made, after seven years.
- (17) County treasurer's receipts received under Wis. Stats. § 74.19, after 15 years.
- (18) Correspondence, after six years, except correspondence had in connection with records which may be destroyed only after a longer period shall not be destroyed until after such longer period, and except that correspondence had in connection with records which may be destroyed after less than six years may be destroyed after such lesser period.
- (19) Blanks and papers used by the town assessor in the discharge of his duties, after seven years. No assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of revenue.
- (b) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record, as provided by Wis. Stats. § 19.21(4)(a).
- (c) Any tape recordings of a governmental meeting of the town may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved if the purpose of the recording was to make minutes of the meeting.

**Sec. 2-53. Preservation through microfilm.**

Any town officer or the director of any department or division of town government may, subject to the approval of the town board, keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. § 16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of sections.

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 3--INTOXICATING AND NON-INTOXICATING BEVERAGES**

**ARTICLE I. LICENSES**

**Sec. 3-1 Required**

**Sec. 3-2 Fees**

**Sec. 3-3 Qualifications of Licensees and Permittees for License and Permit**

**Sec. 3-4 Conditions and Restrictions**

**Sec. 3-5 Retail "Class B" Liquor License Quota**

**Sec. 3-6 Revocation, Suspension, and Refusal to Renew**

**ARTICLE II. SALE, PREMISES, AND OPERATING REGULATIONS**

**Sec. 3-7 Closing Hours**

**Sec. 3-8 Underage Person; Presence in Places of Sale**

**Sec. 3-9 Consumption and Possession of Alcoholic Beverages by Underage Person**

**ARTICLE III. NON-INTOXICATING BEVERAGES**

**Sec. 3-10 Soda Water Beverages**

## **ARTICLE I. LICENSES**

### **Sec. 3-1. Required.**

(a) No person, except as provided in Wis. Stats. § 125.06, shall distribute, vend, sell, offer to keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done without having procured a license or permit as provided in this article, nor without complying with all the provisions of this article and all statutes, ordinances and regulations of the state and town applicable thereto.

(b) Except for a licensed public warehouse, a separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling house, flat or residential apartment.

### **Sec. 3-2. Fees.**

(a) There shall be the following classes and denominations of licenses which, when issued by the clerk under the authority of the town board after payment of the fee specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28(1) and (2), 125.51(2) and (3) or 125.57. Unless specifically provided, the fee for a license obtained during the license year shall not be prorated.

- (1) Class "A" fermented malt beverage retailer's license: \$100.00 per year.
- (2) Class "B" fermented malt beverage retailer's license: \$100.00 per year.
- (3) Retail "Class A" liquor license: \$150.00 per year (\$250.00 combined).
- (4) Retail "Class B" liquor license: \$150.00 per year (\$250.00 combined).
- (5) Reserve "Class B" liquor license: Initial fee of \$10,000.00.
- (6) Temporary Class "B" liquor license: \$10.00
- (7) Operator's license: \$15.00 per year for a one year new or renewal license and \$25.00 for a two year new or renewal license.

(b) Licenses issued under this chapter are for a full year or any part of a license year. All licenses expire on June 30 of each year.

- (8) Class "C" Wine license: \$50.00

**Sec. 3-3. Qualifications of licensees and permittees for licenses and permits.**

(a) *Natural persons.* Licenses related to alcohol beverages, issued to natural persons under this article, may be issued provided, in the opinion of the Town Board, they meet the standards set out in 125.12 of the Wisconsin Statutes and all other applicable statutes and meet the following requirements:

(1) They have been residents of the state continuously for at least one year prior to the date of filing the application for the license.

(2) Have attained legal drinking age, except that operator's licenses may be issued to persons that have attained the age of 18.

(b) *Corporations.* No license or permit may be issued to any corporation unless the agent of the corporation appointed under Wis. Stats. § 125.04(6), and the officers and directors of the corporation meet the qualifications of subsection (a) of this section, except that subsection (a)(2) of this section does not apply to agents.

(c) *Operators' licenses.* Subsection (a)(2) of this section does not apply to applicants for operators' licenses.

**Sec. 3-4. Conditions and restrictions.**

In addition to the requirements imposed by the statutes adopted by reference in section 3-3, the following conditions and restrictions shall apply to the issuance of licenses or permits pursuant to this article:

(1) *Review prior to approval.* No license or permit shall be issued to any person or officer or director of a corporation unless the application therefor shall first have been reviewed and a recommendation received from the county sheriff's department.

(2) *Tax delinquencies.* No license shall be granted for operation on any premises upon which taxes or assessments are delinquent or other financial claims of the town are unpaid.

(3) *Inspection of application and premises.* The town clerk shall notify the county sheriff's department of all license and permit applications who shall inspect, or cause to be inspected, each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. The sheriff shall furnish to the clerk, in writing, the information derived from such investigation. No license or permit provided for in this article shall be issued without the approval of the town board.

(4) *Health and sanitation.* No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the state

department of commerce, and the state board of health and to all such ordinances and regulations adopted by the town.

(5) *Safety and sanitation requirements.* Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(6) *Posting required.* Licenses or permits issued under this article shall be posted and displayed as provided in Wis. Stats. § 125.04(10), and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.

(7) *Search of licensed premises.* It shall be a condition of any license issued under this article that the licensed premises may be entered and inspected at any reasonable hour by any police officer or other authorized officer of the town without any warrant, and the application for a license under this article shall be deemed a consent to this subsection. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued under this article and shall be deemed a violation of this division.

(8) *Disorderly conduct and gambling.* Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.

(9) *Wearing apparel.* All persons involved in the operation of any licensed premises under this article, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

a. The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the mons pubis genitals and the buttocks at all times.

b. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubis area, genitals and buttocks at all times.

(10) *Sales to underage persons.* No alcohol beverages shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age of 21.

(11) *Sales by clubs.* No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

(12) *Effect of revocation of license.* No license shall be issued for any premises if a license covering such premises has been revoked within six months prior to application. No license shall be issued to any person who has had a license issued pursuant to this article revoked within 12 months prior to application.

(13) *Violation by agents or employees.* A violation of this article by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.

(14) *Cessation of operation.* Where the holder of a Class B license ceases to operate or do business while such license is validly in force and effect, the licensee, or his heirs, may, at the discretion of the town board, continue to hold such license for its unexpired term and shall also be eligible to apply for and receive one normal one-year renewal thereof; it being the intent and purpose of this subsection to require the licensee, or his heirs, to consummate a bona fide rental or sale of the business assets involved.

(15) *Transfer of license.* No license shall be transferable from person to person, except as provided by Wis. Stats. § 125.04(12)(b), or from place to place, as provided in Wis. Stats. § 125.04(12)(a).

### **Sec. 3-5. Retail "Class B" liquor license quota.**

The number of persons and places that may be granted a retail "Class B" liquor license under this article is limited as provided in Wis. Stats. § 125.51(4).

### **Sec. 3-6. Revocation, suspension and refusal to renew.**

(a) *Procedure.* The provisions of Wis. Stats. § 125.12(2) and (3) shall be applicable to proceedings for the revocation, suspension and refusal to renew all licenses granted under this article. Revocation or suspension proceedings may be instituted by the town board upon its own motion by adoption of a resolution.

(b) *Repossession.* Whenever any license under this article shall be revoked or suspended pursuant to this section, it shall be the duty of the clerk to notify the licensee of such suspension or revocation and to notify the town, who shall take physical possession of the license wherever it may be found and file it in the clerk's office.

(c) *Effect of revocation.* Whenever any license shall be revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before any other license shall be granted to the person whose license was revoked.

## **ARTICLE III. SALES PREMISES; OPERATING REGULATIONS**

### **Sec. 3-7. Closing hours.**

No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

(1) If a retail Class "A" license for fermented malt beverages, between 9:00 p.m. and 8:00 a.m.

(2) If a retail "Class A" license for intoxicating liquor, between 9:00 p.m. and 8:00 a.m.

(3) If a retail Class B license for either fermented malt beverages or intoxicating liquor between 2:00 a.m. and 6:00 a.m., Monday through Friday, and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday, except on January 1 when there are no closing hours. No package, container or bottle sales may be made between 12:00 midnight and 6:00 a.m.

(4) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses may remain open for the conduct of their regular business, but no intoxicating liquors or fermented malt beverages shall be sold during prohibited hours.

### **Sec. 3-8. Underage person; presence in places of sale.**

(a) *Restrictions.* Pursuant to Wis. Stats. § 125.07(3), an person under 21 years of age not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.

(b) *Exceptions.* Subsection (a) of this section shall not apply to:

(1) An underage person who is a resident, employee, lodger or boarder on the licensed premises.

(2) An underage person who enters a "Class A" or Class "A" premises for the purpose of purchasing edibles and soft drinks and immediately thereafter leaves such premises.

(3) Hotels, drug stores, grocery stores, bowling alleys, athletic fields or stadiums owned by a county or municipality.

(4) Ski chalets, golf clubhouses, curling clubs and private tennis clubs.

- (5) Licensed restaurants where the principal business is that of a restaurant.
- (6) A person who is at least 18 years of age and who is working under a contract with the licensee to provide entertainment for customers on the premises.
- (7) An underage person who enters on Class "B" or "Class B" premises on dates specified by the licensee when no alcohol beverages will be consumed, sold or given away. The licensee shall notify the police department of such specified dates. Unless all alcohol beverages are stored in a locked portion of the premises, the licensee or a licensed operator must be on the premises at all times.

**Sec. 3-9. Consumption and possession of alcohol beverages by underage person.**

(a) *Restrictions.* Pursuant to Wis. Stats. § 125.07(4)(b) and (bm), no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age of 21 may knowingly possess or consume alcohol beverages.

(b) *Exceptions.* An underage person may possess alcohol beverages if employed by any of the following:

- (1) A brewer.
- (2) A fermented malt beverages wholesaler.
- (3) A permittee other than a Class "B" or "Class B" permittee.
- (4) A facility for the production of alcohol fuel.
- (5) A retail licensee or permittee under the conditions specified in Wis. Stats. §§ 125.32(2) or 125.68(2), or for delivery of unopened containers to the home or vehicle of a customer.

(c) *Selling or serving alcohol beverages.* Pursuant to Wis. Stats. §§ 125.32(2) and 125.68(2), any underage person who is at least 18 years of age may sell or serve alcohol beverages on any Class A or Class B premises, provided that such underage person is under the immediate supervision of the licensee, agent or manager, or a licensed operator, who is on the premises at the time of such sale or service.

**ARTICLE III. NONINTOXICATING BEVERAGES**

**Sec. 3-10. Soda water beverages.**

(a) *State statutes adopted.* Wis. Stats. § 66.0433 is adopted by reference and made a part of this section.

(b) *License required.* No person shall sell or dispense soda water beverages as defined in Wis. Stats. § 97.34 within the town without a license therefor issued by the clerk.

(c) *Fee.* The soda water beverage license fee shall be \$10.00 per year.

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 4--ANIMALS**

**\*Cross references:** Health and sanitation, ch. 8.

**ARTICLE I. IN GENERAL**

- Sec. 4-1. Definitions.**
- Sec. 4-2. Enforcement of chapter provisions.**
- Sec. 4-3. Penalties for violation of chapter.**
- Sec. 4-4. Pet waste.**
- Sec. 4-5. Farm Animals and Poultry Not to Run at Large**
- Sec. 4-6. Keeping of Large Animals, Livestock and Poultry.**
- Sec. 4-7. Exotic Animals**

**ARTICLE II. DOGS**

**Division 1. Generally**

- Sec. 4-8. Licensing**
- Sec. 4-9. Rabies Vaccination Required**
- Sec. 4-10. Rabies Control Program**
- Sec. 4-11. Running at Large; Untagged Dogs**
- Sec. 4-12. Duty to Report Dog Bite**
- Sec. 4-13. Howling Dogs**
- Sec. 4-14. Running at Large Prohibited; Exceptions**
- Sec. 4-15. Cruelty to Animals**

**Division 2. Impoundment**

- Sec. 4-16. Generally**
- Sec. 4-17. Release of Dog to Owner or Representative**
- Sec. 4-18. Release of Dog to Person Other than Owner**
- Sec. 4-19. Disposition of Dog**
- Sec. 4-20. Investigation**

**Division 3. Vicious or Hybrid Dogs**

- Sec. 4-21. Definitions**
- Sec. 4-22. Penalty for Violation of Division**
- Sec. 4-23. Prohibited Generally**
- Sec. 4-24. Requirements and Prohibitions**
- Sec. 4-25. Determination of Status; Appeal**
- Sec. 4-26. Compliance with Division Provisions**
- Sec. 4-27. Disposition**

## **ARTICLE I. IN GENERAL**

### **Sec. 4-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dog* shall include vicious dog, cross-bred dog, dog-wolf or dog-coyote hybrid.

*Animal shelter* means any premises designated by the town board for the purpose of impounding and caring for all animals found running at large in violation of this chapter.

*At large* means when any dog is off the property of its owner and not under the control of a competent person.

*Exposed to rabies* means an animal which has been bitten by, or come in contact with, any animal known to have been infected with rabies.

*Flock* means, for purposes of this ordinance consists of not more than twenty (20) domestic fowl.

*Kennel* means any establishment where dogs are kept for breeding, sale or sporting purposes.

*Large animals* includes but is not limited to horses, cows, steers, sheep, goats, poultry and swine.

*Neutered male dog* means any male dog which has been operated upon to prevent conception.

*Nuisance* means the term as it is defined by prior Ordinance of the Town of Paris.

*Owner* means any person owning, keeping or harboring a dog.

*Pasture* means an area where animals are grazed which sustains vegetation during the growing season.

*Restraint* means a dog controlled by a leash, at heel beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

*Residence* means a place designed, authorized, zoned and used or capable of use to provide permanent lodging for a person or persons.

*Spayed female dog* means any female dog which has been operated upon to prevent conception.

**Cross references:** Definitions generally, § 1-2.

**Sec. 4-2. Enforcement of chapter provisions.**

The provisions of this chapter shall be enforced by the town.

**Sec. 4-3. Penalties for violation of chapter.**

In addition to other penalties provided in this chapter, the following penalties are imposed:

(1) *Failure to obtain rabies vaccination.* A dog owner who fails to have a dog vaccinated against rabies, as provided in this chapter shall, upon conviction, forfeit not less than \$50.00 nor more than \$100.00.

(2) *Refusal to comply with quarantine order.* An owner of a dog who refuses to comply with an order to deliver the animal to a police officer, the county pound or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00.

(3) *Other penalties.* Any person violating any other provision of this chapter shall be subject to a penalty as provided in section 1-5.

**Sec. 4-4. Pet waste.**

If a domesticated pet, such as a dog or cat, defecates on public land or property of another, the pet owner shall immediately remove the feces in a sanitary manner.

**Sec. 4-5. Farm animals and poultry not to run at large.**

No person owning or having in his possession or under his control any farm animal or fowl shall allow the same to run at large within the town. The term "at large" means an animal is off the premises of its owner and upon any public highway, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property.

**Sec. 4-6. Keeping of large animals, livestock and poultry.**

I. Applications and Exclusions

A. This ordinance applies to all lands in the Town of Paris, less than ten acres, whether zoned business, manufacturing, residential, agricultural or otherwise.

B. This ordinance does not include domestic pets such as cats and dogs or those animals confined to the household under complete control of the owner.

C. No person shall keep, harbor, feed or breed any large animals or flock on a parcel of land that is less than five (5) acres.

D. A person may keep one large animal or flock on a five-acre parcel provided they comply with the other standards and provisions set out in this ordinance.

E. On a parcel of land that is six acres, up to ten acres, a person may keep no more than three large animals, or two large animals and a flock, provided they comply with the other standards and provisions set out in this ordinance.

F. The standards for use of lands for large animals or a flock on parcels of less than ten acres and zoned as A-1 agricultural, are as follows:

(Amended 4/27/04)

1. Accessory buildings to house or provide shelter, feeding stations, and all fencing for confinement of large animals or a flock shall be located on a line parallel to the road or highway that is set back from the public way at the rearmost part of the residence. The set back references will be from the road or highway the front door of the residence faces.

2. Any accessory building used for housing a large animal or a flock shall be no more than fifty (50) feet from a neighboring off-site residence.

(Amended 4/26/05)

3. All accessory building for shelter or housing of large animals or a flock shall meet any and all state, county, and town standards for building construction to provide for the health, safety and welfare of the animal and community.

4. The animals shall be confined on the property by fencing of a suitable type, style, and strength adequate to prevent the animal from leaving the area of confinement when not under the direct control of a person.

5. To the extent that manure does not naturally attenuate by fertilizing the pasture area, manure must be gathered and spread in an manner it will not constitute a nuisance as defined in Chapter 11 of this code, or adversely affect an abutting or adjacent property owners' use and enjoyment of their property.

6. Manure storage shall only be allowed temporarily (two weeks maximum) until spread. If the property is not capable of absorbing the manure within reasonable amounts, the property

owner shall dispose of the manure off-site by legal means. Storage of manure shall be no closer than 100 feet from any abutting or adjacent residence.

7. It is unlawful to ride an animal on the property of any other owner without permission, or on the property of the Town where such use is not specifically authorized by affirmative enactment.

II. Specific Uses:

No special provision is made for existing uses. Upon the adoption of this ordinance they will become “non-conforming uses”. The term “non-conforming use” is herein defined as it is set out in the zoning ordinance of the County of Kenosha; however, enforcement of this provision shall be under the jurisdiction of the Town of Paris.

**Sec. 4-7. Exotic Animals**

Mammals, reptiles, birds, fowl or any animal of an unusual nature which presents a danger or potential danger shall not be kept in the Town of Paris unless the owner is able to satisfy the town building inspector that the animal is kept under the strict control of the owner so that the animal may not escape and cause bodily harm, property damage, fright, injury, or otherwise interfere with the peace and tranquility of the community. Such animal may not be kept in the Town of Paris if the animal presents a nuisance either by odor, sound, or if the environment is not suitable for an animal of such nature. The fine for failure to comply with this ordinance is set out in Sec. 1-5.

**Chapter 4 ANIMALS**

**ARTICLE II. DOGS**

**DIVISION 1. GENERALLY**

**Sec. 4-8. Licensing.**

(a) Required. It shall be unlawful for any person in the town to own, harbor or keep any dog more than five months of age without complying with the provisions of Wis. Stats. §§ 174.05-174.09, relating to the listing, licensing and tagging of the dog. There is imposed a town dog license tax, payable to the clerk, which includes a dog license tax imposed under Wis. Stats. § 174.05(2) and (3) in the amount of \$3.00 for spayed or neutered dogs, \$8.00 for others, and one-half the license tax for dogs becoming five months of age after July 1 per year for all dogs required to be licensed under statute.

(b) Late fees. The clerk shall assess and collect a late fee of \$10.00 from every owner of a dog five months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.

(c) Lost license tag. If a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag from the clerk upon the payment of \$1.00.

(d) Change of ownership. If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$1.00.

(e) Transfer. No person shall use for any animal a license receipt or license tag issued for another animal.

(f) Kennel license. A person who owns or keeps more than three dogs on their premises is required to apply for a kennel license. Such person and the owners of kennels may opt to pay, in lieu of the fees provided in subsection (a) of this section, a kennel license fee of \$30.00 for a kennel of 12 dogs or less and an additional \$3.00 for each dog in excess of 12, and the clerk shall issue tags for each dog owned by the kennel owner, as provided in Wis. Stats. § 174.053. All the rules and requirements of Chapter 174 of the Wisconsin Statutes shall apply.

**Cross Reference:** Paris Code June 18, 1990

(Amended 11/25/03)

**Sec. 4-9. Rabies vaccination required.**

It shall be unlawful for any person to keep a dog in the town which is over five months of age and has not received a rabies vaccination as required by Wis. Stats. § 95.21(2). No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in Wis. Stats. § 95.21(2)(f).

**Sec. 4-10. Rabies control program.**

The Town of Paris herein adopts the Wisconsin Statute 95.21 concerning the rabies control program and dog or cat quarantine. Any person who violates any of these provisions shall be fined as set out in Sec. 1-5.

**Sec. 4-11. Running at large; untagged dogs.**

(a) Running at large defined. A dog is considered to be running at large if it is off the premises of its owner and not under the restraint of the owner or some other person as defined in section 4-1.

(b) Untagged dog. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(c) Subject to impoundment. Any police officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large or be untagged, the owner shall forfeit not less than \$50.00, plus costs for the first offense, and not less than \$40.00 plus costs for the second

offense and each subsequent offense. If the dog is unlicensed, such penalties shall be doubled.

**Sec. 4-12. Duty to report dog bite.**

Every person, including the owner or person harboring or keeping a dog, who knows that a dog has bitten any person, shall immediately report such fact to the town.

**Sec. 4-13. Howling dogs.**

No person shall own, keep, harbor or have in his possession any dog within the town which, by frequent or habitual howling, yelping, barking or other disturbing noise, individually or together, offend the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. For purposes of a violation under this section, when the person alleged to have violated this section owns, keeps, harbors or has in his possession more than one dog of the type causing the disturbance, it is not required to identify the particular dog causing the disturbance. Each day that such disturbance continues or occurs gives rise to a separate offense.

**Sec. 4-14. Running at large prohibited; exceptions.**

No person owning, having in his possession or under his control any dog shall allow such dog to run at large within the town. The term "running at large" means an animal is off the premises of its owner and upon any public highway, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property, provided that an animal shall not be deemed to be at large if the following provisions apply:

(1) It is attached to a leash not more than ten feet in length which is of sufficient strength to restrain the dog and the leash is held by a person competent to govern the dog and prevent it from annoying or worrying pedestrians or trespassing on private property or on public property where such dogs are forbidden.

(2) It is properly restrained within a motor vehicle.

(3) It is engaged in the act of hunting or training for show, field trial or obedience trial purposes, in the control of its owner or his agent competent to govern such dog at a distance, and not annoying or worrying pedestrians or trespassing on private property or on public property where such dogs are forbidden.

**Sec. 4-15. Cruelty to Animals.**

(1) No person shall willfully or maliciously inflict unnecessary or needless cruelty, abuse or cause pain to any animal, including any neglect or unjustified pain, suffering or death to said animal, whether said animal shall belong to the person or to anyone else. Nothing in this ordinance shall prevent a person from

using reasonable force to drive off a vicious or trespassing animal, but no person may intentionally kill a dog unless the person is threatened with serious bodily harm by the dog and other restraining actions were tried and failed or immediate action was necessary. This section shall not apply to law enforcement officers, humane officers, veterinarians or person killing his or her own dog in a proper and humane manner.

(a) In addition to the general definition of cruelty as set forth herein, the following shall be deemed cruelty to animals:

(1) Abandonment on any public street, road, or premises other than that of the owner.

(2) To torment, badger, throw stones or other materials at any animals that have been tied, caged, or confined to an enclosed area.

(3) To use any type of collar on an animal that is spiked or pronged, unless such collar is being used for training purposes by a certified animal trainer.

(4) To leave any animal in a motor vehicle without any ventilation during the months of May through October.

(2) *Food and Shelter.*

(a) *Food.* No person owning or responsible for the confinement or impoundment of any animal shall refuse or neglect to supply the animal with a sufficient supply of food to maintain the animal in good health, and a supply of potable water at all times in sufficient quantity for the health of the animal.

(b) *Indoor Shelter.* No person owning or responsible for the confinement or impression impounding any animal shall fail to provide the animal with proper shelter, which for indoor standards shall mean shelter to include the ambient temperature compatible with the health of the animal, and adequate ventilation by natural or mechanical means to provide for the health of the animal at all times.

(c) *Outdoor Shelter.* Minimum outdoor standards for shelter shall include shelter from sunlight when it is likely to cause heat exhaustion of the animal. There shall be sufficient shade by natural or artificial means to provide the animal with protection from direct sunlight and there shall be natural or artificial shelter appropriate as may be necessary for the health of the animal. Nothing in this section shall be construed as posing shelter requirements or standards for farm animals more stringent than normal accepted husbandry practices in the environment.

(d) *Dog Shelter.* In the case of dogs which can be confined or tied outdoors under weather conditions which adversely affect the health of the dog, the shelter shall be of suitable size to accommodate the dog and to allow a retention of body heat. Such shelter shall be made of a durable material with an entrance to the shelter covered by a windproof material. In addition, the structure

shall be provided with sufficient quantity of bedding to provide insulation and protect against adverse weather.

(3) *Sanitation.*

The owner or person responsible for confining or impounding an animal shall maintain a minimal standard of sanitation for both indoor and outdoor enclosures which shall include a periodic cleaning for the removal of animal waste and other waste materials and trash which would constitute a health hazard to the animal.

(4) *Confinement of Female Dog or Cat.*

Any person owning or responsible for keeping a female dog or cat shall, when such female dog or cat is in season, keep said animal confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel, during such time as said female dog or cat is in such season.

(5) *Enforcement.*

Any law enforcement officer or humane officer may remove or impound in a suitable impoundment any animal found to be kept in neglect or in violation of the standards set forth in this ordinance. The officer shall immediately notify the owner of such impoundment if said owner can be found. Said owner shall be responsible for the costs or expenses connected to the care, keeping and medical attention in the treatment of any such impounded animal. If an owner cannot be found or is unknown, the animal shall be treated as a stray as provided by Wisconsin Statute. This ordinance may be enforced by a peace officer, town, humane officer, or one appointed by the town board.

(6) *Penalties.*

Any person convicted of a violation of this section shall be penalized as provided under Sec. 1-5.

**DIVISION 2. IMPOUNDMENT**

**Sec. 4-16. Generally.**

A police officer or other person restraining a dog running at large shall take such dog to the county pound. The boarding fee for impounded dogs shall be the current county fees. The keeper of the pound shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.

**Sec. 4-17. Release of dog to owner or representative.**

The keeper of the pound may release the dog to the owner or his representative if the owner or representative:

- (1) Gives his name and address.
- (2) Presents evidence that the dog is licensed and vaccinated against rabies.
- (3) Pays the dog's boarding fee, as provided in the current schedule.

**Sec. 4-18. Release of dog to person other than owner.**

If the owner of the dog is unknown or does not reclaim the dog within seven days, the keeper of the pound may release the dog to a person other than the owner if such person:

- (1) Gives his name and address.
- (2) Signs a statement agreeing to license the dog and have the animal vaccinated against rabies.

**Sec. 4-19. Disposition of dog.**

If the dog is not released to the owner or other person in seven days, the keeper may dispose of the dog, as provided in Wis. Stats. § 174.13, or dispose of the dog in a proper and humane manner.

**Sec. 4-20. Investigation.**

For the purpose of discharging the duties imposed by this article and to enforce its provisions, any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that a police officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires removal from the premises.

The Town of Paris herein adopts the following Wisconsin Statutes concerning animals:

174.01 Wis. Stats. Concerning restraining actions against dogs (1) killing a dog, (2) inapplicability to officers, veterinarians or persons killing their own dog.

174.02 Wis. Stats. Concerning owner's liability for the damages caused by dogs.

174.042 Wis. Stats. Dogs running at large and the impoundment penalties.

174.046 Wis. Stats. Impoundment requirements.

174.05 Wis. Stats. Dog Licenses.

174.053 Wis. Stats. Kennel Licenses.

174.054 Wis. Stats. Exemption for owner's of dogs kept for educational and scientific purposes.

174.05 Wis. Stats. Exemption of dogs for blind, deaf, and mobility impaired.

174.056 Wis. Stats. Dogs for blind, deaf, and mobility impaired persons shall be admitted to public places.

174.65 Wis. Stats. Collections.

174.07 Wis. Stats. Dog licenses and collars.

### **DIVISION 3. VICIOUS OR HYBRID DOGS**

#### **Sec. 4-21. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Vicious dog* means:

(1) Any dog with a propensity, tendency or disposition to attack, assault, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

(2) Any dog which attacks a human being or another domestic animal without provocation.

(3) Any dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 4-22. Penalty for violation of division.**

Any person who violates any provision of this division shall, upon conviction, be subject to the payment of a forfeiture, as provided in section 1-5 of this Code. A separate offense shall be deemed committed on each day on which a violation of this division occurs or continues.

#### **Sec. 4-23. Prohibited generally.**

(a) Except as provided in this division, no person shall harbor or keep a vicious dog within the town. A dog is deemed to be vicious when it has attacked or bitten any person or when a propensity to attack or bite persons exists and is known or reasonably should be known to the owner. Any vicious dog which is found off the premises of its owner may be seized by any police officer and, upon establishing to the satisfaction of a court the vicious character of such dog, may be destroyed.

(b) Notwithstanding subsection (a) of this section, a police officer may kill or tranquilize a vicious dog if he determines that it is necessary to take such action to prevent real and immediate personal injury to any person, including himself.

#### **Sec. 4-24. Requirements and prohibitions.**

(a) *Leash and muzzle.* No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the town.

(b) *Confinement generally.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in subsection (a) of this section. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the town. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) *Confinement indoors.* No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) *Prohibited in multiple dwellings.* No vicious dog may be kept within any portion of any multiple dwelling.

(e) *Signs.* All owners, keepers or harborers of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public, with letters not less than two inches in height, stating: "Danger - Vicious Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f) *Insurance.* All owners, keepers or harborers of vicious dogs or hybrid dogs shall provide proof to the town of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or for damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs or hybrid dogs. The insurance policy shall provide

that no cancellation of the policy will be made unless a ten-day written notice is first given to the town. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This subsection does not apply to dogs kept by law enforcement agencies.

**Sec. 4-25. Determination of status; appeal.**

(a) The town shall investigate every dog complaint and make a determination as to whether or not such dog is vicious as defined in section 10-101(1). If the town makes a determination that a dog is vicious, he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this division.

(b) Any person aggrieved by the determination of the town, as provided in subsection (a) of this section, may appeal such determination, as provided in article VIII of chapter 2.

**Sec. 4-26. Compliance with division provisions.**

Within ten days of the determination that a dog is vicious, as provided in section 10-105(a), or ten days after an unsuccessful appeal under section 10-105(b), the owner of a vicious dog shall either comply with all provisions of this division or dispose of such dog.

**Sec. 4-27. Disposition.**

Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a law enforcement officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 5-- BUILDINGS**

**\*Cross references:** Fire prevention and protection, ch. 7; mobile/manufactured homes, ch. 9, Paris Ordinance February 2, 1960, February 4, 1957, Amendment 515 1975 and Amendment 714, 1997.

**ARTICLE I. IN GENERAL**

**ARTICLE II. CONSTRUCTION REGULATIONS**

**Division 1. Generally**

- Sec. 5-1 Purpose of Chapter**
- Sec. 5-2 Scope of Chapter**
- Sec. 5-3 Report of Chapter Violations**
- Sec. 5-4 Building Permits and Inspections**
- Sec. 5-5 Disclaimer on Inspections**
- Sec. 5-6 Garages**
- Sec. 5-7 New Methods and Materials**
- Sec. 5-8 Unsafe Buildings**

**Division 2. Electrical**

- Sec. 5-9 Definitions**
- Sec. 5-10 Electrical Permit**
- Sec. 5-11 Electrical Inspector**
- Sec. 5-12 Disclaimer on Inspections**
- Sec. 5-13 Penalty for Violation of Division**
- Sec. 5-14 Special Provisions for Temporary Installation**
- Sec. 5-15 Certificate of Compliance**
- Sec. 5-16 Notice of Non-Compliance; appeal**
- Sec. 5-17 Wind Energy Conservation Systems**

**Division 3. Plumbing**

- Sec. 5-18 Definitions**
- Sec. 5-19 Plumbing Inspector Powers and Duties**
- Sec. 5-20 Plumbing Permits**
- Sec. 5-21 Plumbers to be Licensed**
- Sec. 5-22 Inspection of Work**

**ARTICLE III. RADIANT HEATING UNITS**

- Sec. 5-23 Definitions**
- Sec. 5-24 Permit**
- Sec. 5-25 Inspection**

**ARTICLE IV. MOVING BUILDING**

- Sec. 5-26 Permit**
- Sec. 5-27 Insurance and Bond**
- Sec. 5-28 Public Hearing**

**Sec. 5-29 Determination of Plan Commission**

**ARTICLE V. SWIMMING POOLS AND PONDS**

**Sec. 5-30 Definitions**

**Sec. 5-31 Regulated**

**Sec. 5-32 Permit**

**Sec. 5-33 Construction Requirements**

**Sec. 5-34 Fences**

**Sec. 5-35 Electrical Requirements**

**Sec. 5-36 Use of Pool**

**ARTICLE VI. BERMS**

**Sec. 5-37 Berm Design and Construction**

**ARTICLE VII. FEES AND CHARGES**

**Sec. 5-38 Fees for Building Permits and Inspections**

**Sec. 5-39 New Construction Deposit**

**Sec. 5-40 Fees for Inspection of All Electrical Equipment and Installation**

**Sec. 5-41 Permits for Temporary Electric Work**

**Sec. 5-42 Fees for Plumbing Permits**

**ARTICLE I. IN GENERAL**

**ARTICLE II. CONSTRUCTION REGULATIONS**

**DIVISION 1. GENERALLY**

**Sec. 5-1. Purpose of chapter.**

This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings, and the general public.

**Sec. 5-2. Scope of chapter.**

New buildings erected in, or any building moved within or into the town shall conform to all the requirements of this chapter except as they are specifically exempted in this chapter from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons, is a new building to the extent of such change. Any existing building shall be considered a new building for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time the ordinance from which this chapter is derived was enacted. The provisions of this chapter supplement the laws of the state pertaining to construction and use and the zoning chapter and amendments thereto to the date the ordinance from which this chapter is derived was adopted and in no way supersede or nullify such laws and the zoning chapter.

(a) *Adoption and Application of "Wisconsin Uniform Dwelling Code."* The Wisconsin Uniform Dwelling Code, as set forth in Wis. Admin. Code, Comm. Chs. 20-25, inclusive, and all amendments thereto, are hereby made a part of this Code by reference and shall apply to all one and two family dwellings and alterations and additions thereto, the initial construction of which was commenced after the effective dates of the various Chapters of the Wisconsin Uniform Dwelling Code.

(b) *Scope of Chapter.* New buildings erected in, or any building moved within or into the town shall conform to all the requirements of this chapter except as they are specifically exempted in this chapter from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons, is a new building to the extent of such change. Any existing building shall be considered a new building for the purposes of this chapter whenever it is used for

dwelling, commercial or industrial purposes unless it was being used for such purpose at the time the ordinance from which this chapter is derived was enacted. The provisions of this chapter supplement the laws of the state pertaining to construction and use and the zoning chapter and amendments thereto to the date the ordinance from which this chapter is derived was adopted and in no way supersede or nullify such laws and the zoning chapter.

(Amended 6/24/08)

### **Sec. 5-3. Report of chapter violations.**

Town officers shall report at once to the building inspector any building which is being carried on without a permit as required by this chapter.

### **Sec. 5-4. Building permits and inspection.**

(a) *Permit required.* No building of any kind shall be moved within or into the town and no new building or structure, or any part thereof, shall be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the town, except as provided in this section, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the building inspector.

(b) *Permit lapses.* A building permit shall lapse and be void unless building operations are commenced within six months, or no significant progress has been made within one year, from the date of issuance thereof.

(c) *Occupancy permit required; issuance and revocation.* No new building shall be occupied or otherwise used prior to the issuance of an occupancy permit. The permit may be revoked at the discretion of the building inspector upon 30 days' notice to the user or occupant of the building.

(d) *Application.* Applications for a building permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land and also the owner of the building, if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which such building is to be put, and such other information as the building inspector may require.

(e) *Dedicated street required.* No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.

(f) *Compliance with private sewage system required.* No building permit shall be issued until a permit for a private sewage system has been issued by the county.

(h) *Plans.* With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the state building code shall bear the stamp of approval of the state department of commerce. One plan shall be submitted which shall remain on file in the office of the building inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Wis. Admin. Code Comm. 20.09(4).

(i) *Approval of plans.* If the building inspector determines that the building will comply in every respect with all ordinances and orders of the town and all applicable laws and orders of the state, he shall issue a building permit which shall state the use to which such building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the building inspector. In case adequate plans are presented for part of the building only, the building inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(j) *Driveway installation required prior to construction.* See chapter 5.

(k) *Waiver of plans.* If the building inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.

(l) *Minor repairs and alterations.* The building inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.

(m) *Inspection of work.* The builder shall notify the building inspector when ready, and the building inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, he shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If he finds that the work conforms to the provisions of this chapter, he shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the building inspector.

#### **Sec. 5-5. Disclaimer on inspections.**

The purpose of the inspections under this chapter is to improve the quality of housing in the town. The inspections and the reports and findings issued after the

inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

#### **Sec. 5-6. Garages.**

Private garages shall be built in accordance with the general construction standards established in the state uniform dwelling code. Private garages shall be located not less than five feet from the adjoining lot line and not less than ten feet from any other building on the same premises when not a part of the building. If a greater distance is required by some other section of this chapter or by some other ordinance or regulation, the most rigid requirement shall be applicable. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than 45-minute fire resistive construction as specified in Wis. Admin. Code Comm. ch. 51.

#### **Sec. 5-7. New methods and materials.**

All materials, methods of construction and devices designed for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted by this chapter shall not be so used until approved in writing by the state department of commerce. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the state department of commerce. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the state department of commerce.

#### **Sec. 5-8. Unsafe buildings.**

(a) Whenever the building inspector finds any building or part thereof within the town to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use that it would be unreasonable to repair the building, he shall order the owner to raze and remove it at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Wis. Stats. § 66.0413. Where the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance

as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the town in an action against the owner or tenant.

(b) Upon the issuance of an order to raze or upon the voluntary razing of a building, the owner(s) shall apply for a permit to raze the building. The permit fee shall be \$80.00. The permit can be obtained from the clerk or the building inspector of the Town of Paris, and shall be submitted with the \$80.00 permit fee.

(c) The owner must comply with the requirements of Wis. Stats. §66.0413 and in addition must do the following:

1. Remove all electricity to the building.
2. Seal off well and water lines.
3. Disconnect all gas or fuel oil lines.
4. Clean out all existing septic tanks by the employment of a licensed septic service.
5. Fill septic tank with solid fill as directed by the town building inspector.
6. Certify that the building contains no asbestos, or employ a licensed contractor to remove the asbestos.
7. Notify the building inspector who will make a final inspection before the building can be razed.

(Amended on 2/25/03)

**Division 2. Electrical**  
**Sec. 5-9. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Electrical system* means all wires, equipment or devices installed for the purpose of conducting or safeguarding electrical current at all voltages.

*Electrical work* means any act in connection with the installing, altering or maintaining of electrical systems, which act ordinarily requires the use of tools.

*Wiring* means all conductors and all other devices incidental to the safe conduction of electrical current.

**Sec. 5-10. Electrical permits.**

(a) *Required; application.* The electrical inspector shall issue permits for the execution of electrical installation for light, heat or power upon the filing of proper application, which shall be made on blanks furnished by the electrical inspector and shall prescribe the nature of the work contemplated and such other pertinent information as may be required for inspection. No work shall be done until a permit has been obtained.

(b) *Issuance of subsequent permits.* No permit shall be issued if there are any outstanding corrections to be made by the applicant. No permit shall be issued if previous permits are not complete as to work done and the fees paid on any work that has been reported as complete.

**Sec. 5-11. Electrical inspector.**

(a) *Duties.*

(1) *Generally.* The electrical inspector shall enforce the provisions of this division.

(2) *Records and reports.* The electrical inspector shall keep a complete record of all applications made and permits issued, regularly numbered in the order of their issuance. He shall also keep a record of all inspections made and other official work performed under the provisions of this division, so arranged as to afford prompt information concerning electrical installations and shall make monthly reports thereon to the town board.

(3) *Inspections; notices.* The electrical inspector shall inspect all buildings and premises and make a thorough examination of all the electrical wiring, equipment and devices installed and when such are found to be in a dangerous or unsafe condition, he shall notify the person owning, using, operating or installing the same to place them in a safe condition. Such necessary repairs or changes shall be completed according to the provisions of this division. The electrical inspector may order the discontinuance of electrical service to such defective electrical system until it has been repaired, removed or altered as directed by the inspector. Failure to obey any such order shall subject such person to the penalties provided in section 5-.

(b) *Authority to turn off current.* The electrical inspector may cause the immediate turning off of all electrical current to any equipment which he finds, in the exercise of his sound judgment, creates imminent danger to persons or property and to cut or discontinue electrical service in emergencies where he finds, in the exercise of his sound judgment, such electrical current creates imminent danger to persons or property or where such currents may interfere

with the work of the fire department. No person shall reconnect any equipment thus cut off without the written permission of the electrical inspector.

(c) *Right of entry.* The electrical inspector may enter any building or premises in the discharge of his official duties and for that purpose shall be given prompt access upon notification to the proper authority. He may discontinue electrical service to premises to which he is denied access or entry.

(d) *Inspection of work.* The contractor shall notify the electrical inspector when ready for inspection, and the electrical inspector shall inspect all electrical work when completed. All electrical wiring and installations shall be left exposed until such time as the electrical inspector has completed his inspection. No electrical service shall be connected by a power company until a written statement stating that the final electrical inspection has been made and approved has been filed with the electrical inspector. No building where electrical service has been cut off due to fire shall be reconnected until authorized by the electrical inspector. If the electrical inspector determines that the work has not done been in accordance with the provisions of this division, the contractor shall correct the work within ten days after receiving notice thereof. If the defective work has not been corrected within ten days, the electrical inspector shall cancel the permit until the provisions of this division have been complied with.

#### **Sec. 5-12. Disclaimer on inspections.**

The purpose of the inspections under this division is to improve the quality of housing in the town. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

#### **Sec. 5-13. Penalty for violation of division.**

Any person who shall violate any provision of this division or any regulation, rule or order made under this division shall be subject to a penalty as provided in section 1-5.

#### **Sec. 5-14. Special provisions for temporary installation.**

The electrical inspector may grant special permission, for a limited time, for the installation or use of temporary electric wiring and equipment which does not

conform with the regulations of this division. The person installing such wiring or equipment shall be directly and legally responsible and accountable for the safe condition of the installation at all times and its complete removal at the end of the fixed temporary period, as set by the electrical inspector, or any time sooner when ordered by the inspector. Carnivals, circuses, theatrical acts and exhibitions and all places of temporary outdoor assembly are included in the provisions of this section, and all electrical wiring and equipment associated therewith shall be installed, maintained and operated in a safe and workmanlike manner. All such electric wiring and equipment shall be isolated from the public by proper elevation and guarding of all electric fuses, and switches shall be installed in approved enclosures. Cable laid on the ground in areas traversed by the public shall be buried in trenches or protected by approved covers. No wooden raceways shall be used. All temporary services shall be rainproof in their entirety. Where an enclosure is built around non-waterproof equipment, it shall have a hinged cover and be supplied with a hasp and lock.

**Sec. 5-15. Certificates of compliance.**

(a) *Issuance contingent on compliance.* No certificate of inspection shall be issued unless the electric light, power or heating installation and all other electrical apparatus connected with it are in strict conformity with the provisions of this division.

(b) *Required.* Current shall not be turned on for any electrical installation until a certificate of inspection has been issued by the electrical inspector. This certification shall be accomplished as part of the sequence of final inspections required for the building occupancy permit.

(c) *Exception.* In occupied buildings where a permit for lighting fixtures has been issued, the electrical inspector may authorize the installation of meters for electrical service after the wiring has been inspected and approved.

**Sec. 5-16. Notice of noncompliance; appeal.**

Whenever the electrical inspector determines that all or part of the electrical work of any building does not comply with the provisions of this chapter, he shall, in cases where the construction is in progress, give five days' written notice thereof to the contractor on the job. In all other cases he shall give five days' notice thereof to the owner or his authorized agent or attorney. Such contractor or owner may have such determination reviewed by the board of zoning appeals.

**Sec. 5-17. Wind Energy Conservation Systems.**

(1) *Intent.* The intent of this ordinance is to provide for the regulation for the construction and location of Wind Energy Conservation Systems, hereinafter

referred to as Wind Chargers, and this ordinance shall apply to such systems intended for the generation of electric energy and mechanical power.

(2) *Definitions.* A Wind Energy Conservation System shall mean a device consisting of:

- (a) Propulsion
- (b) A shift or gear assembly for converting rotational power for an electrical or mechanical device.
- (c) A generator or alternator to convert rotational energy into electrical energy.
- (d) A tower or structure upon which the wind charger shall be mounted.

(3) *Permit Required.* No person shall construct a wind charger defined herein without first obtaining a permit from the building inspector. The application for such permit shall contain information required by this ordinance and a plat or drawing showing the location upon which the wind charger is to be constructed and the distance from all utility lines, buildings and lot or boundary lines of the parcel. Permit shall be issued only for an owner system, and shall be limited to owner's main building and accessory buildings. The fee for the permit shall be \$40.00.

(4) *Tower Construction.* The tower upon which the wind charger shall be installed shall be constructed in accordance with sound engineering practices and the building inspector may, at his discretion, after reviewing the application permit, require that the tower structure and wind charging device in its entirety be approved by a professional engineer, costs of such approval shall be the responsibility of the applicant.

(5) *Setback Requirement.* No wind charger tower shall be constructed nearer to any lot line than the total height of the tower plus the length of the rotating blades. The maximum height for the tower without obtaining variance from the town board shall be less if required by Federal Aviation Authority (FAA) restrictions on structures within flight zones. The minimum distance between the ground and the rotating blades shall be twenty-five (25) feet, and measured from the ground to the lowest point of the arc of the blade.

(6) *Noise.* The maximum level of noise permitted by the generating wind charger shall be no more than fifty (50) decibels as measured on a dBA scale when measured at the property line.

(7) *Electromagnetic Filter Required.* Wind charging generators and alternators shall be filtered or shielded so as to prevent the emission of radio frequency energy which would interfere with radio or television transmission or reception.

(8) *Labeling required.* Every wind charging system shall have a label attached to the tower or control panel easily read from ground level containing the following information:

- (a) The maximum output power of the system.
- (b) The minimum and maximum voltages.
- (c) Wind speed at which maximum output is received.

(d) The maximum survival wind speed that the system can sustain without damage to the structural parts or damage to the structural parts or loss of normal function.

- (e) Normal and emergency shutdown procedures.

(9) *Utility Company Notified.* Before any such wind charging system is producing electrical energy or is producing electrical service, the Wisconsin Electric Company or company furnishing electric energy, shall be notified in writing of any proposed interface with the utility company service lines. Any such interfacing with the electric company grid shall conform to Public Service Commission regulations for such interface.

(10) *Variances.* In the event that the building inspector shall deny a permit for the installation of a Wind Energy Conservation System, the applicant may, within thirty (30) days of such denial, apply to the town board for a variance from structural compliance with this ordinance where a special circumstance, literal enforcement of this ordinance would result in practical difficulty or unnecessary hardships for the owner. The town board shall place any such appeal on its agenda for the next succeeding regular board meeting and the board may at its discretion conduct a public hearing on the variance, at which time all interested parties may appear and be heard.

(11) *Penalties.* Any person violating any provision of this ordinance shall upon conviction thereof be required to remove and dismantle any wind charger and shall be subject to fine or forfeiture of not less than \$50.00 or more that \$250.00 and the costs of prosecution. Upon failure to pay such fine or forfeiture, shall be confined to the County Jail for a period of not more than fifteen (15) days.

### **DIVISION 3. PLUMBING**

#### **Sec. 5-18. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Plumbing* means the following:

(1) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and the installation thereof.

(2) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewer system terminal within the bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.

(3) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.

(4) The water pressure systems other than municipal systems as provided in Wis. Admin. Code Comm. ch. 800 et seq.

(5) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

**Cross references:** Definitions generally, § 1-2.

Any person who shall violate any provision of this division or any regulation, rule or order made under this division shall be subject to a penalty as provided in section 1-5.

### **Sec. 5-19. Plumbing inspector; powers and duties.**

(a) *Generally.* The plumbing inspector shall enforce all provisions of this division and all other state and town provisions relating to the construction, installation, alteration and repair of all plumbing within the town and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement. In the discharge of his duties, the plumbing inspector or his authorized agent may enter any building during reasonable hours for the purpose of inspection.

(b) *Permits.* The plumbing inspector shall take applications and issue to qualified applicants permits as required for all work contemplated by this division and shall maintain suitable records of the permits issued. He shall monthly submit permit fees collected by his office to the treasurer.

(c) *Reports.*

(1) *To town board.* The plumbing inspector shall make such monthly and annual reports to the town board as it may require concerning the activities of his office.

(2) *To the state department of health and social services.* The plumbing inspector shall make such reports to such department as is required under Wis. Stats. § 145.04(3).

(d) *Stop work orders.* The plumbing inspector may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this division. Work so stopped shall not be resumed except on written permission of the plumbing inspector, provided that if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.

**Cross references:** Officers and employees, § 2-151 et seq.

**Sec. 5-20. Plumbing permits.**

(a) *Required.* No work contemplated by this division shall be started until a permit therefor has been obtained from the plumbing inspector or his authorized agent.

(b) *Application.* The application shall be in writing upon forms provided by the plumbing inspector and shall include the name of the owner and the description of the property on which the work is to be done, and all plumbing to be installed, along with such pertinent information as the plumbing inspector may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this division.

(c) *Issuance; term.* When the plumbing inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this division, and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall be good for the continuous performance of the work named thereon. A permit shall automatically expire if work has not been commenced within 90 days of the date of issuance or when work ceases for a period of 90 days without good and reasonable cause for such cessation and shall automatically expire on completion of the work for which it was issued; provided, however, that the plumbing inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this division. A plumbing permit may be voided upon application of the holder, but not more than \$5.00 of the permit fee may be refunded.

(d) *Restrictions on issuance.*

(1) No plumbing permit shall be issued to any person who is in violation of this division until such violation has been corrected.

(2) No plumbing permit shall be issued to any person against whom an order issued by the plumbing inspector is pending.

(e) *Failure to issue; suspension and revocation.* Any person directly interested who is aggrieved by the decision of the plumbing inspector to refuse to issue a permit or to suspend or revoke such permit shall be entitled to an appeal before the plumbing inspector under Wis. Stats. ch. 68.

**Sec. 5-21. Plumbers to be licensed.**

All plumbing work shall be done only by a plumber licensed by the state for such work, or his employees.

**Sec. 5-22. Inspection of work.**

The plumber in charge shall notify the plumbing inspector whenever any work is ready for inspection, i.e., soil, vent, underground drain, final inspection. All plumbing work shall be left exposed until such time as the inspector has completed his examination and inspection. When, in the opinion of the inspector, a test in addition to that provided in the state plumbing code is necessary, he may require a water or air test in any part of the installation.

**ARTICLE III. RADIANT HEATING UNITS**

**Sec. 5-23. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Sec. 5-24. Permit.**

(a) *Required.* It shall be unlawful for any person to install or cause to be installed any radiant heating unit in the town without first having obtained a permit from the building inspector.

(b) *Application.* Application for a permit shall be made on a form provided by the building inspector. The following data shall be submitted with the application:

- (1) The manufacturer's installation, maintenance and operations manual.
- (2) Type and size of chimney.
- (3) The proposed chimney flue or new chimney flue size.
- (4) The number and size of existing vent connections to the chimney flue.
- (5) The clearance distance from any wall or ceiling; if less than 36 inches from wall or ceiling, the description of fire resistant material to cover such wall or ceiling.

(6) The type of floor on which the unit will be mounted; if the floor is combustible, the type and size of fire resistant covering to be used.

(7) Any other information required by the building inspector relating to the safety and operation of the unit.

(c) *Issuance.* Upon examination of the application and accompanying data by the building inspector, the inspector shall determine whether or not the installation of the radiant heating unit complies with the requirements of this article and, if so, issue the permit; if not, the building inspector shall state in writing his reasons for not issuing the permit.

### **Sec. 5-25. Inspection.**

No person may operate or permit the operation of a radiant heating unit until the building inspector has inspected and approved its installation.

## **ARTICLE IV. MOVING BUILDINGS**

### **Sec. 5-26. Permit.**

(a) *Required.* No person shall move any building or structure into, out of, or within the town without first obtaining a permit therefor from the building inspector as provided in this section.

(b) *Application.* Application for a moving permit shall be in writing upon a form furnished by the building inspector. Such application shall state the following:

(1) The name and address of the owner of the building or structure to be moved.

(2) Pictures of the building to be moved.

(3) The present location of the building to be moved.

(5) The name of the municipality to which the structure is to be moved.

(6) The legal description of the premises to which the building or structure is to be moved.

(7) Proof of permission to so locate, if applicable.

(8) If to be located within the town, a plat or survey showing the location of the building or structure on such premises.

(9) If to be located within the town, the names and addresses of the owners of the property within 300 feet of the premises on which the building or structure is to be located.

(10) The use being made of the premises within 300 feet of the premises on which the building or structure is to be located.

(c) *Fee.* For the moving permit fee see section 5-37.

**Sec. 5-27. Insurance and bond.**

If a structure is moved across any town street or highway, a road repair bond shall be furnished by the applicant sufficient to cover possible road damage. A certificate of insurance shall also be filed with the application for a permit.

**Sec. 5-28. Public hearing.**

If the building or structure being moved is to be located within the town, prior to the issuance of a moving permit, a public hearing shall be held by the plan commission regarding the site to which the building or structure is to be moved. Notice of such meeting shall be mailed to the last known address of the owners of property within 300 feet of the proposed site.

**Sec. 5-29. Determination of plan commission.**

(a) If the building or structure being moved is to be located within the town, the plan commission shall determine the following:

(1) Whether or not the architecture and condition of the building proposed to be moved is compatible with the neighborhood of the proposed site insofar as such building would adversely affect values incident to ownership of land in that area; if not, the application for a permit shall be denied.

(2) The amount of the bond to be posted for compliance with the requirements of the plan commission.

(3) Such other requirements as would make such structure or building comply with the general welfare, beauty and harmony of the neighborhood.

(b) The determination of the plan commission shall be set forth in writing and shall become a part of the moving permit, if issued.

**ARTICLE V. SWIMMING POOLS AND PONDS**

**Sec. 5-30. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Pond* means any privately owned manmade depression in the ground, either temporary or permanent, in which water more than 18 inches is contained.

*Swimming pool* means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming.

**Cross references:** Paris Code August 1, 1973.

**Sec. 5-31. Regulated.**

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building or pond in the town except in accordance with this article.

**Sec. 5-32. Permit.**

(a) *Required.* No person shall construct, install, enlarge or alter any private swimming pool or pond unless a permit therefor has first been obtained from the building inspector.

(b) *Application.* Application shall be on forms provided by the building inspector and shall be accompanied by plans drawn to scale showing the following:

- (1) Location of pool or pond on lot, distance from lot lines and distance from structures.
- (3) Pool or pond dimensions and volume of water in gallons.
- (4) Location of fence, and type, size and gate location, if applicable.
- (5) Existing overhead wiring relative to proposed pool or pond.

**Sec. 5-33. Construction requirements.**

(a) No pool or pond shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by chapter 70 for permitted accessory building uses, and the waterline of any pool or pond shall be not less than five feet from any lot line or building.

(b) No connection shall be made to the sanitary sewer or septic system.

(c) Gaseous chlorination systems shall not be used for disinfecting pool waters.

(d) No pool shall be less than five feet from any septic system or less than 25 feet from any well.

**Sec. 5-34. Fences.**

(a) *Required.* All swimming pools not enclosed within a permanent building and all ponds located in a subdivision or within 150 feet of a residence of another

shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, not less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. The wall of the house or building facing a pool may be incorporated as a portion of such fence. No fence shall be located, erected, constructed or maintained closer than three feet to a pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

(b) *Exceptions.*

(1) Aboveground swimming pools with walls that are at least four feet high at all points around such pool or have platforms and railings that are four feet or more in height above the ground are not required to be enclosed as provided in subsection (a) of this section; however, all ladders and stairways providing access to such pools shall be adequately fenced and fitted with gates or be folded up and locked to prevent entry when the pool is not in use.

(2) Below-ground swimming pools or ponds which have a slope of no more than four to one from any point on the perimeter of such pool or pond for at least a distance of 20 feet toward the center of such pool or pond are not required to be enclosed as provided in subsection (a) of this section.

**Sec. 5-35. Electrical requirements.**

(a) *To comply with electrical codes.* All electrical installations shall require separate permits and shall be governed by the town or state electrical code.

(b) *Pool lights.* If overhead flood or other artificial lights are used to illuminate the pool or pond at night, such lights shall be shielded to direct light only on the pool.

**Sec. 5-36. Use of pool.**

No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

**ARTICLE VI. BERMS**

**Sec. 5-37. Berm design and construction**

(a) Purpose

The land forms and landscapes shall be preserved in their natural state and so far as practicable by minimizing soil and tree removal that is not essential to

protect development and by maintaining grades and contours and keeping with the general appearance of the neighboring developed area.

(b) Definitions

For purposes of this ordinance, any grading, regarding, deposit or other accumulation of earth or dirt which raises the elevation of existing topography eighteen (18) inches or more for the purpose of or which has the effect as acting as a barrier screen or vision shield, with or without the addition of vegetation planted thereon, shall be considered a berm.

(c) Berm Construction

No owner, lessee, occupier of land, contractor, or any agent or representative of any of the foregoing, shall construct a berm without first obtaining plan review and approval by the Town Board. The Town Board may impose such conditions or requirements as are consistent with these ordinances in issuing a permit for the construction of a berm.

- (1) No berm shall be constructed which exceeds six (6) feet in height. The measurement shall be based on the elevation height from the natural topography. The application shall include actual topographical elevations and the height elevation along the berm for each ten (10) foot increment of lineal distance.
- (2) The top of the berm shall not be located closer than five (5) feet to any adjoining property or property line.
- (3) The berm shall be constructed so that it will neither increase or decrease the normal rate or flow or volume of water moving across the subject property.
- (4) The berm shall be constructed so that it will neither increase nor decrease the flow rate or volume of water moving through drain tile on the subject property.
- (5) No berm shall be constructed in an area where it would block the view of vehicular or pedestrian traffic and thereby create a safety hazard.
- (6) Upon the presenting of an application with appropriate contour mapping, the Town Board may waive any provision that does not materially affect the health and safety of the community.
- (7) There shall be an inspection fee of \$65.00 to be paid upon submission of the application.

(Amended on 05/27/03)

(Amended on 03/22/05)

**ARTICLE VII. FEES AND CHARGES**

**Sec. 5-38. Fees for building permits and inspections.**

At the time the application for a building permit or other designated permit is filed, the applicant shall pay the following fees:

**RESIDENTIAL PERMIT FEES:**

- (1) New Dwelling:
  - (a) Performance Bond \$1500.00
  - (b) State Sticker for New Home \$35.00
  - (c) Plan Review \$30.00
  - (d) Property Number sign fee for new, Missing or damaged beyond repair \$90.00
  - (e) \$.155 per square foot (\$65 minimum)
- (2) Remodeling and Additions:
  - (a) Remodeling/detached residential: \$.10 per square foot (\$65.00 minimum)
  - (b) Additions: \$.155 per square foot (\$65.00 minimum)

**AGRICULTURAL BUILDING PERMIT FEES: (Unheated)**

- (1) New Buildings: \$.04 per square foot (\$65.00 minimum)
- (2) Remodeling & Additions: \$.04 per square feet (\$65.00 minimum)

**HEATING, VENTILATION AND AIR CONDITIONING PERMIT FEES:**

- (1) New Buildings-Residential:
  - (a) Heating \$.04 per square foot (\$65.00 minimum)
  - (b) Central air conditioning \$65.00
- (2) New Buildings-Commercial:
  - (a) Heating \$.05 per square foot (\$65.00 minimum)
  - (b) Central air conditioning \$65.00

**REPLACEMENT & MODIFICATION OF HEATING AND AIR CONDITIONING EQUIPMENT:**

- |     |   |         |
|-----|---|---------|
| (1) | Heating Permit for replacement furnace          | \$65.00 |
| (2) | A/C Permit/replacement central air Conditioning | \$65.00 |

**ELECTRIC AND PLUMBING:**

- |     |  |   |
|-----|--|---|
| (1) | Electric<br>(any type building, alternation or addition) | \$.04 per square foot<br>(\$65.00 minimum)  |
| (2) | Plumbing   |   |
|     | (a) Permit initial fee                                   | \$25.00<br>plus \$4.00 per fixture or<br>water connection for<br>replacement<br>(\$65.00 minimum) |
|     | (b) For new plumbing in any structure                    | \$.04 per square foot<br>(\$65.00 minimum)  |

**MISCELLANEOUS ITEMS:**

- |      |  |          |
|------|--|----------|
| (1)  | Fireplace Permit for new/replacement       | \$65.00  |
| (2)  | Pool Permit                                | \$65.00  |
| (3)  | Deck Permit                                | \$65.00  |
| (4)  | Roof Permit                                | \$65.00  |
| (5)  | Fence Permit                               | \$65.00  |
| (6)  | Erosion Control Permit                     | \$75.00  |
| (7)  | Culvert Permit (except on County Highways) | \$65.00  |
| (8)  | Moving a Building                          | \$65.00  |
| (9)  | Razing a residence or out building         | \$80.00  |
| (10) | Sign Permit                                | \$100.00 |
| (11) | Change of Use Permit                       | \$35.00  |

**COMMERCIAL/INDUSTRIAL BUILDING PERMIT FEES:**

- (1) New: \$.165/ft.; occupancy=\$35.00  
(\$75.00 minimum)
  
- (2) Remodel: \$10.00 per M of valuation

Commercial, industrial and housing buildings over two families shall have State approved heating, electrical, plumbing and construction plans with this application.

Residential shall have heating plans, heat loss calculations, and specifications of the equipment to be used.

Note: Permits may be obtained individually or on one form in the categories of construction, heating, ventilation and air conditioning, electrical and plumbing. An additional fee for plan review may be assessed at the time of application for renewal of the permit.

Note: The state fee schedule for commercial building projects, Wis. Admin. Code Comm. chs. 50 to 64, may be charged in lieu of or in addition to this fee schedule at the town's discretion. Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work. All fee categories shall be rounded up to the next full dollar amount.

**NOTE: DOUBLE PERMIT FEES SHALL BE CHARGED IF WORK STARTS BEFORE PERMITS ARE ISSUED.**

**PERMIT FEES SHALL EXPIRE 180 DAYS AFTER PERMIT IS ISSUED FOR ADDITIONS AND 24 MONTHS FOR NEW HOMES. IN THE EVENT THE PROJECT IS NOT COMPLETED IN THAT TIME, ANY PORTION OF FEES PAID IN EXCESS OF \$65.00 SHALL BE REFUNDED UPON REQUEST.**

Building inspector:  
Don Fox  
24402-52<sup>nd</sup> Street  
Salem, WI 53268-9597

Office Hours:  
6:00 AM – 7:30 AM Monday through Friday 262-878-3358

MAKE CHECKS PAYABLE TO: TOWN OF PARIS  
All bonds refunded to owner upon satisfactory project completion.

**NSF checks will have a \$20.00 charge added; the job will be red tagged and all work stopped.**

There will be a \$15.00 charge per inspection visit after seven (7) visits.  
After two (2) failed inspections, there will be a re-inspection charge of \$35.00

(Amended 6/24/08)

**Sec. 5-39. New construction deposit.**

In addition to all other fees, every applicant for a building permit for any initial construction shall deposit \$200.00 with the clerk for the purpose of reimbursing the town for the cost of removing any mud or other debris from the highway and the cost of repairing or replacing the driveway culvert resulting from such construction. Any of such costs incurred by the town shall be deducted from such deposit, and the balance of such deposit, if any, shall be returned to the applicant upon completion of construction.

**Sec. 5-40. Fees for inspection of all electrical equipment and installation.**

The following fees shall be paid for inspection of all electrical equipment and installation, provided that the minimum total fees for any one job, whether under one or more than one permit, shall be \$65.00:

- |     |   |                                       |
|-----|---|---------------------------------------|
| (1) | New Building:   | \$0.04 per square foot for all areas. |
| (2) | Light Switch and Convenience Outlets:   | \$0.35                                |
| (3) | Power Receptacles Over 150 volts, 1-30 Amps:  | \$5.00                                |
|     | Over 30 Amps:   | \$6.00                                |
| (4) | Lighting Fixtures:<br>(Incandescent, standard base)                                     | \$0.25 each                           |
| (5) | Tubular Lamps, such as fluorescent, cold cathode, Lumiline and mercury vapor, per tube: | \$0.25                                |
| (6) | Studded Lights & Festoon Lighting, per outlet:  | \$.025                                |
| (7) | Arc Lights, Search Lights, Floodlights, Mercury Lights, Mogul Base Fixtures, etc.:      | \$1.00 each                           |
| (8) | Temporary Services and Temporary Wiring Installations:                                  | \$10.00 each                          |
| (9) | Service Switches:   |                                       |
|     | First 100 Amperes:  | \$5.00                                |
|     | Each additional 100 amps or fraction thereof:   | \$5.00                                |

- (10) Ranges, Ovens, Clothes Dryers, Dishwashers,  
Disposals, Water Heaters, etc. \$4.00 each
- (11) Refrigerating Units: \$0.25 per HP  
(\$4.00 minimum)
- (12) Gas Burners, Oil Burners, Stokers,  
Residential Electric Furnaces or Conversions of: \$5.00 each
- (13) Air Conditioning: \$0.25 per HP  
\$5.00 each
- (14) Combination Heating & Air Conditioning Units: \$10.00 each
- (15) Feeders & Subfeeders: \$10.00 each  
(per ampere or fraction thereof)
- (16) Each Motor: \$0.50  
(for the first 100 HP)  
\$0.25  
(Balance)
- (17) Dispensers-Gasoline, Fuel Oil, Permanent Vending  
Machines and Well Pumps: \$6.00
- (18) Each Generator, Transformer, Reactor, Rectifier,  
Capacitor, Welder, Converter, etc.: \$0.50 per KW  
(for the first 500 KW)  
\$0.25  
(Balance)
- (19) Electric Metal Melting Furnace Systems: \$0.50 per KW
- (20) Electric Space Heating Systems \$5.00 per zone control
- (21) Electric Unit Heating Devices: \$5.00 each
- (22) Moving Picture, Stereopticon, and x-ray machines,  
High frequency, Therapeutic Apparatus, etc. \$4.00 each
- (23) Dimmers: \$1.00  
(0.0 to 1.0 KW)  
\$5.00  
(Over 1.0 KW)
- (24) Swimming Pools: \$6.00

	Electrical & Ground Wiring:	\$25.00
(25)	Shop Inspections, Signs:	\$4.00 each
(26)	Neon Signs:	\$0.50 per transformer (\$4.00 minimum)
(27)	Fluorescent Tube Signs:	\$0.15 per tube (\$4.00 minimum)
(28)	Lamp Signs:	\$0.15 per lamp (\$4.00 minimum)
(29)	Combination Signs:	\$7.00 minimum
(30)	Strip Lighting, Plug-In Strips, Trolley Duct, Trolley Wire, etc.:	\$0.50 per foot
(31)	Wireways, Busways, Underfloor Raceways, and Auxiliary Gutters:	\$0.50 per foot
(32)	Audible or Visual Electric Signal or Communication Devices:	\$0.20 each
(33)	To Change, Alter, Repair, or Correct an Electrical Installation Where None of the Above Specifics Apply:	\$65.00
(34)	Minimum Charge for Any One New Permit:	\$65.00
(35)	Reinspection Fee:	\$35.00 (First reinspection) \$40.00 (Any additional reinspection)
(36)	Remodeling & Additions	\$10.00 per M of valuation

Note: If work is started before a permit is obtained, except in emergencies, the fee shall be doubled. Granting of a permit after work is started shall not relieve the licensee from any liability for a penalty provided in section 5-2.

**Sec. 5-41. Permits for temporary electrical work.**

On applying for a permit for temporary work, the period of time for which such wiring is to remain in service shall be specified. Service shall be cut off at the end of this period and shall not again be connected without written permission from the electrical inspector.

**Sec. 5-42. Fees for plumbing permits.**

The following fees shall be paid to the plumbing inspector before the plumbing permit is issued:

- |      |                        |                                      |
|------|------------------------|--------------------------------------|
| (1)  | New Buildings:         | \$0.04 per square foot for all areas |
| (2)  | Automatic Washer:      | \$4.00 each                          |
| (3)  | Sinks:                 | \$4.00 each                          |
| (4)  | Dishwasher:            | \$4.00 each                          |
| (5)  | Grease Traps:          | \$4.00 each                          |
| (6)  | Garbage Grinders:      | \$4.00 each                          |
| (7)  | Water Closets;         | \$4.00 each                          |
| (8)  | Showers:               | \$4.00 each                          |
| (9)  | Wash Basins:           | \$4.00 each                          |
| (10) | Laundry Tubs:          | \$4.00 each                          |
| (11) | Urinals:               | \$4.00 each                          |
| (12) | Bath Tubs:             | \$4.00 each                          |
| (13) | Bubblers:              | \$4.00 each                          |
| (14) | Floor Drains:          | \$4.00 each                          |
| (15) | Grease Interceptor:    | \$10.00 each                         |
| (16) | Sillcocks:             | \$2.00 each                          |
| (17) | Water Heaters:         | \$4.00 each                          |
| (18) | Wash Fountains:        | \$4.00 each                          |
| (19) | Storm Sewer Conductor: | \$4.00 each                          |
| (20) | Sump Pumps:            | \$4.00 each                          |
| (21) | Catch Basins:          | \$4.00 each                          |

- (22) Ejectors or Pumps: \$5.00 each
- (23) Water Softeners: \$5.00 each
- (24) Inside Sewers: \$10.00 each
- (25) Well: \$10.00 each
- (26) Pump: \$10.00 each
- (27) High Pressure Boiler: \$25.00 each
- (28) Manholes: \$10.00 each
- (29) Storm Sewer & Sanitary Sewer: \$25.00 each
- (30) Lateral Connections: \$25.00 each  
(under 100 feet)  
\$0.35 per foot  
(over 100 feet outside)  
\$0.35 per foot  
(over 100 feet inside)
- (31) Extension of House Drain: \$25.00 minimum
- (32) Failure to call for Inspection: \$35.00 each
- (33) Reinspections: \$35.00 each
- (34) Road Cut Repair (when required) \$250.00 each
- (35) Other Fixtures Not Listed Above: \$5.00 each
- (36) Remodeling & Additions \$10.00 per M of valuation  
(Residential, Commercial & Industrial)
- (37) MINIMUM PERMIT FEE: \$65.00

Note: If plumbing work is commenced before the permit has been obtained, the fees shall be doubled.

(Amended 03/22/05)

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 6--BUSINESSES**

**Cross references:** Alcoholic and nonintoxicating beverages, ch. 3; nuisance-type businesses, ch. 6.

**ARTICLE I. IN GENERAL**

- Sec. 6-1 Penalty for Violation of Chapter**
- Sec. 6-2 Payment of All Fees and Charges Required**
- Sec. 6-3 General License Provisions**

**ARTICLE II. ADULT ORIENTED ESTABLISHMENTS**

- Sec. 6-4 General**
- Sec. 6-5 License Required Display**
- Sec. 6-6 Preapplication Staff Conference**
- Sec. 6-7 License Application**
- Sec. 6-8 Decision**
- Sec. 6-9 License**
- Sec. 6-10 License Renewal, Amendments, Minor Modification**
- Sec. 6-11 Suspension, Adjustment or Termination of License**
- Sec. 6-12 Appeal**
- Sec. 6-13 Inspection**
- Sec. 6-14 Requirements and Prohibitions**
- Sec. 6-15 Employee and Entertainer Permits**
- Sec. 6-16 Violations and Enforcement**
- Sec. 6-17 Authorized Representatives**
- Sec. 6-18 Discrepancies**
- Sec. 6-19 Other Licenses, Permits and Approvals**
- Sec. 6-20 Definitions**
- Sec. 6-21 Injunction**

**ARTICLE II. AMUSEMENT ARCADE**

- Division 1. Generally**
- Sec. 6-21A Definitions**
- Sec. 6-22 Penalty for Violation of Article**
- Sec. 6-23 Restrictions and Regulations**

**Division 2. License**

- Sec. 6-24 Required; Fees**
- Sec. 6-25 Transfer**
- Sec. 6-26 Suspension, Revocation or Non-Renewal**

**ARTICLE IV. Cigarette Dealers**

- Sec. 6-27 Cigarette Retailer's License**

**ARTICLE V. COIN-OPERATED MACHINES**

- Sec. 6-28**    **Definitions**
- Sec. 6-29**    **License**
- Sec. 6-30**    **Prizes and Gambling**

**ARTICLE VI. JUNK DEALERS**

**Division 1. Generally**

**Division 2. License**

- Sec. 6-31**    **Required**
- Sec. 6-32**    **Exception**
- Sec. 6-33**    **Application**
- Sec. 6-34**    **Fee**
- Sec. 6-35**    **Inspection Required**
- Sec. 6-36**    **Referral of Applicant to Planning Commission**
- Sec. 6-37**    **Referral of Applicant to Town Board**
- Sec. 6-38**    **Revocation**

**ARTICLE VII. SHOOTING RANGES**

- Sec. 6-39**    **Permit**

## **ARTICLE I. IN GENERAL**

### **Sec. 6-1. Penalty for violation of chapter.**

In addition to the specific penalties provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-5. A separate offense shall be deemed committed on each day which a violation of this chapter occurs or continues.

### **Sec. 6-2. Payment of all fees and charges required.**

Any person or business must pay all delinquent fees, charges, property taxes or personal taxes prior to the issuance of a license or permit.

### **Sec. 6-3. General license provisions.**

(a) *Application.* Every application for a license or permit required by this chapter shall be made upon a form furnished by the clerk and verified. The appropriate license or permit fee, together with a publication fee, if any, shall be paid to the clerk at the time of filing such application. No initial license or permit fee shall be refunded unless the granting of the license or permit is denied.

(b) *Issuance.* Licenses, when granted, shall be issued by the clerk and shall state the date thereof, the day from which it shall be in force, the name and place of business of the person to whom it is issued, the particular purpose and the time period for which issued, and the amount of license fee paid. The clerk shall keep all such applications on file and keep a record of all licenses issued. If any license applied for is denied, the clerk shall return the license fee to the applicant.

(c) *Termination.* Except as otherwise specifically provided, every license or permit granted under this chapter shall terminate or expire on June 30 of each year.

(d) *Prorating of fees.* Except as otherwise specifically provided, no initial license or permit fee shall be prorated.

(e) *Refund of fees.* No license or permit fee shall be refunded if a license or permit is surrendered or revoked for cause.

(f) *Transfer of licenses and permits.* No license or permit may be transferred from the licensee or permittee to another person unless otherwise provided in this chapter.

(g) *Suspension and revocation of licenses and permits.* Except as otherwise specifically provided, any license or permit granted under this chapter may be suspended or revoked by the town board for cause after giving the licensee or permittee an opportunity to be heard, as provided by la

## **ARTICLE II. ADULT-ORIENTED USES AND ESTABLISHMENTS**

### **Sec. 6-4. General:**

- A. Authority. This chapter is adopted pursuant to authority granted by the Wisconsin Statutes, including, without limitation, Sec. 61.34(1) and Sec. 66.0415(1), Wis. Stats.
- B. Purpose. The purpose of this chapter is to regulate, prevent, combat, control and mitigate the harmful secondary effects of adult-oriented uses and establishments operated within the Town, in a manner that is fully consistent with the First Amendment of the United States Constitution.
- C. Interpretation. The provisions of this chapter shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town. Any word, term or phrase that is defined in this chapter shall have the meaning stated in its definition. Any undefined word, term or phrase shall have its common, ordinary meaning unless some other particular meaning is clearly suggested by the context in which it appears. As used in this chapter, “shall” is mandatory and “may” is permissive. Headings are provided in this chapter only for convenience and ease of reference, and such headings shall not be used to interpret the meaning, purpose of effect of any provision of this chapter. Notwithstanding any of the foregoing statements regarding interpretation, this chapter shall be interpreted so as to be fully consistent with the requirements of the First Amendment of the United States Constitution.

### **Sec. 6-5. License required; display.**

- A. After the effective date of this chapter:
  - (1) The operator of a proposed new or relocated adult-oriented use or establishment in the Town shall obtain from the Town and possess a valid adult-oriented use license issued pursuant to this chapter before commencing the operation of such use or establishment; and
  - (2) The operator of an adult-oriented use or establishment already existing in the Town on the effective date of this chapter which proposes to expand or shift the area occupied by its operations, or to which a new or additional adult-oriented use is proposed to be added, shall obtain from the Town and possess a valid adult-oriented use license issued pursuant to this chapter before commencing the operation of such new or additional use or before expanding or shifting the area occupied by its operations; and

- (3) The operator of an adult-oriented use or establishment to whom a valid adult-oriented use license has been issued shall obtain and possess a valid amendment or minor modification of such license pursuant to this chapter before making any change or modification to the nature, operation or physical layout of the use(s) provided for in such license; and
  - (4) The operator or an adult-oriented use or establishment to whom a valid adult-oriented use license has been issued shall obtain and possess a valid renewed or new adult-oriented use license before continuing to operate such use or establishment after the expiration of the issued license.
- B. The operator of an adult-oriented use or establishment in the Town licensed pursuant to this chapter shall prominently display at all times a valid adult-oriented use license within the physically separate defined area of the building occupied by the adult-oriented use. Possession of a valid adult-oriented use license shall not entitle the operator of an adult-oriented use or establishment to operate an adult-oriented use or establishment in violation of applicable requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", or any other Town ordinance.

**Sec. 6-6. Preapplication staff conference.**

Prior to filing an application for an initial or amended (or amended and renewed) adult-oriented use license, or for a minor modification of an adult-oriented use license, the operator or an authorized representative of the operator shall request and participate in a face-to-face conference with the Town to discuss the proposed adult-oriented use(s), the requirements of this chapter and how the requirements of this chapter interface with the requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", and other applicable Town ordinances, for the purpose of ensuring an efficient application review and decision-making process. The requirements of a preapplication staff conference shall be deemed to be waived by the Town if the operator has participated during the past 180 days in a preapplication staff conference, regarding the same proposed adult-oriented use(s) and the same other use(s) as are proposed by the operator to be located and conducted together with such adult-oriented use(s) in the same physically separate defined area of a building. The Town may waive in writing the requirement of a preapplication staff conference whenever such requirement is determined to be not necessary to achieve an efficient application review and decision-making process.

**Sec.6-7. License application.**

- A. Filing. An application for an adult-oriented use license, or for any renewal, amendment or minor modification of such a license, shall be filed with the

Town clerk, on a form provided by the Town and dated and signed by the operator, together with the application fee provided for in Sec. 6-7G of this chapter.

- B. Contents. An application shall only deal with the adult-oriented use(s) and any other use(s) that are proposed by the operator to be located and conducted together in a single physically separate defined area of a building. The application for an initial adult-oriented use license shall contain or have attached to it the following information and documents or shall explain why any such particular requirement is not applicable to the application. (For the required contents of a renewal, amendment or minor modification application, see §6-10 of this chapter):
- (1) Name (and any aliases), street address (a post office box without a street address is not sufficient) and telephone number of the operator (and, at the option of the operator, the operator's fax number and/or e-mail address if the operator consents to receive notices or other communications relating to the application or license by such means), and any other name under which the operator is currently doing business or has done business at any time during the five years immediately preceding the date of application;
  - (2) If the operator is an individual, his or her date of birth, sex, race, and state of residence currently and at any time during the five years immediately preceding the date of the application;
  - (3) If the operator is not an individual, the type of entity it is (e.g., corporation, general partnership, limited partnership, limited liability company, joint venture, etc.), the state in which it was formed, each state in which it is currently doing business or has done business during the five years immediately preceding the date of application, and the name and address of its registered agent;
  - (4) If the operator is not an individual, the name and the information specified in Subsection B(2) or (3) above, whichever is applicable, for each of the following:
    - (a) If the operator is a corporation, for each officer and director and for each shareholder owing at least a 25% interest in the operator;
    - (b) If the operator is a partnership, for each general partner;

- (c) If the operator is a limited partnership, for any general partner, and for any limited partner owning at least a 25% interest in the operator;
  - (d) If the operator is a joint venture, for each joint venturer;
  - (e) If the operator is a limited liability company managed by one or more managers, for each manager and for each member owning at least a 25% interest in the operator; if the operator is a limited liability company managed by the members, for each member;
  - (f) If the operator is any other type of entity, for each person who or which exercises or is authorized to exercise any control over the operations of the entity;
- (5) If the operator is not the sole owner of the real property on which the proposed adult-oriented use(s) or establishment are proposed to be located or operated, the name, street address and telephone number of each such owner;
- (6) If the operator is not the sole and record owner of the real property on which the proposed adult-oriented use(s) or establishment are proposed to be located or operated, attach proof of the operator's right to conduct the proposed adult-oriented use(s) or establishment on such real property (e.g, copy of deed or lease);
- (7) If the operator or any person required to be listed in response to Subsection B(4) above has been convicted during the five years immediately preceding the date of the application of obscenity, sexual assault, prostitution, keeping a place of prostitution, pandering, soliciting prostitutes, lewd and lascivious behavior, public sexual gratification or other similar crimes of a sexual nature, or of the manufacture, distribution or delivery of a controlled substance or of a controlled substance analog, or of possession of a controlled substance or a controlled substance analog with intent to manufacture, distribute or deliver, or of other similar crimes relating to the distribution or delivery of controlled substances or controlled substance analogs, identify the person so convicted and state the crime, the date of conviction and identify the court and jurisdiction in which the conviction occurred (e.g. Circuit Court, Kenosha County, Wisconsin);
- (8) If the operator or any person required to be listed in response to Subsection B(4) above has been adjudicated guilty during the five years immediately preceding the date of application of any ordinance violations occurring in or relating to the operation of an adult-oriented use or

- establishment, identify the person so adjudicated, state the nature of the ordinance violation, the date of the adjudication and identify the court and jurisdiction in which the adjudication occurred;
- (9) Name and street address of any other adult-oriented use(s) or establishment(s) owned and/or operated by the operator or by any person required to be listed in response to Subsection B(4) above currently or within the five years immediately preceding the date of application, and the name, street address and telephone number of each local governmental entity which has issued or granted any permit or license for or with respect to each such use or establishment;
  - (10) If a permit or license for an adult-oriented use or establishment owned or operated by the operator or by any person required to be listed in response to Subsection B(4) above has been terminated or suspended during the five years immediately preceding the date of the application, state the name and address of the business, the type of permit or license terminated or suspended, the date and reason(s) for the termination or suspension and the name, street address and telephone number of the governmental entity that terminated or suspended the permit or license;
  - (11) Location of the proposed adult-oriented use(s) or establishment (legal description of the real property, street address of the building, and the floor and/or building unit designation, if applicable);
  - (12) Zoning district in which the proposed adult use(s) or establishment is proposed to be located and whether any such use or establishment is a nonconforming use pursuant to the Chapter 2, Article IV, Sec. 2-24, "Plan Commission"; if nonconforming use status is claimed, attach proof of each element of such status (see definition of "nonconforming use" in Sec. 6-20 below);
  - (13) List and describe all proposed adult-oriented use(s) [e.g., adult bookstore, adult cabaret, adult club, adult dry cabaret, adult movie theater, adult video-rental store, adult video store and/or adult viewing facility] to be located and conducted together in the same physically separate defined area of a building;
  - (14) List and describe all proposed indoor accessory uses related to and to be located and conducted together with the listed adult-oriented use(s) in the same physically separate defined area of a building;
  - (15) List and describe all other proposed principal uses and related accessory uses to be located and conducted together with the listed adult-oriented use(s) in the same physically separate defined area of a building;

- (16) Name of the business or establishment which the proposed adult-oriented use(s) will constitute or be a part of;
- (17) Whether the entire building where the proposed adult-oriented use(s) will be located will be the physically separate defined area occupied by the proposed adult-oriented use(s) and any related indoor accessory use(s), and if not, attach a scale drawing showing the boundaries of the physically separate defined area to be occupied by such use(s) [see Subsection B(28) below], and describe in detail the means by which such area will be physically separated from the remainder of the building or, if applicable, from the remainder of the building unit;
- (18) Whether site and operational plan approval has been issued or applied for with respect to the proposed adult-oriented use(s) and any other use(s) to be located and conducted together in the same physically separate defined area of a building, and if so, the date of issuance of such approval or, if not issued, the date of the application for such approval;
- (19) Whether a conditional use permit has been issued or applied for with respect to any of the use(s) proposed to be located and conducted together with the proposed adult-oriented use(s), and if so, the date of issuance of such permit or, if not issued, the date of the application for such permit, and the type of conditional use involved;
- (20) Whether any existing conditional use permit will be automatically terminated upon issuance of the requested adult-oriented use license pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission";
- (21) Whether a zoning amendment is necessary to accommodate the proposed adult-oriented use(s) or establishment, and if so, whether the required zoning amendment has been adopted or denied, or if pending, the date of the rezoning application;
- (22) If the building in which the proposed adult-oriented use(s) is proposed to be located does not exist, or if such building is proposed to be modified, attach a copy of detailed building plans that satisfy the plan requirements for a building permit;
- (23) A detailed description of how the operator will ensure that individuals who are less than 18 years of age will be excluded from the physically separate defined area to be occupied by any proposed adult-oriented use(s);
- (24) A detailed description of how the operator will ensure that any seminude individual appearing live and publicly in an adult-oriented use or

establishment will only so appear on a stage or raised platform which is raised not less than 23 inches above the surrounding floor areas;

- (25) A detailed description of how the operator will ensure that no seminude individual appearing live in an adult-oriented use or establishment will be visible to anyone outside the physically separate defined area of the building occupied by such use;
- (26) A detailed description of how the operator will ensure that no adult-oriented printed or graphic materials displayed in an adult-oriented use or establishment will be visible to anyone outside the physically separate defined area of the building occupied by such use or establishment;
- (27) A detailed description of how the operator will ensure that no adult-oriented movie or other adult-oriented motion-picture materials shown in an adult-oriented use or establishment will be visible to anyone outside the physically separate defined area of the building occupied by such use or establishment;
- (28) Attach a scale drawing of the layout of the interior of the building in which the proposed adult-oriented use(s) and any proposed related indoor accessory use(s) will be conducted (or of the floor or building unit thereof to which the proposed adult-oriented use(s) will be limited, if applicable, but in any event showing enough of the building interior to include the boundaries of the physically separate defined area of the building to be occupied by such use(s), showing:
  - (a) The boundary of the physically separate defined area within which the proposed adult-oriented use(s) and any related indoor accessory uses will be conducted, with dimensions, and showing any physical means by which the required physical separation of such area will be achieved, and if the adult-oriented use(s) will involve the retail sale or rental of merchandise, the location where the checkout counter and cash register will be located within such area;
  - (b) The location, dimensions and function of each room, cubicle or other enclosed space to which customers or members of the public will have access;
  - (c) The location, dimensions and function of each room or other enclosed space from which customers or members or the public will be excluded, and the means of accomplishing such exclusion;
  - (d) The location, height and other dimensions, type and purpose of any interior movable or non-floor-to-ceiling walls, partitions, screens or

other barriers; and the function of any spaces created by such barriers, and whether customers or members of the public, customers, club members or guests will be admitted to or excluded from such spaces;

- (e) The location and dimensions of each doorway, entryway or passageway through which customers or members of the public will be permitted to pass and whether the doorway, entryway or passageway will be open and unobstructed or closed (only exterior entrances/exits and rest rooms can be closed or obstructed);
- (f) The location and dimensions of each doorway, entryway or passageway through which members of the public, customers, club members or guests will not be permitted to pass and the means of accomplishing such exclusion;
- (g) The location and dimensions of any raised platform or stage on which any seminude employees or entertainers will appear live and publicly and the height thereof above the surrounding floor areas;
- (h) The location and dimensions of the required minimum six-foot separation zone between any raised platform or stage where seminude employees or entertainers will appear live and publicly any area where customers or members of the public will be permitted to sit, stand, move about or dance, and the locations, type, materials and dimensions of the required physical separation barrier at the outer periphery of such separation zone;
- (i) The location and dimensions of any bar and of any related service area;
- (j) The location and dimensions of any dance floor;
- (k) The location and dimensions of any customer seating areas;
- (l) The location and dimensions of any merchandise racks;
- (m) The location and dimensions of any cubicles, booths, small rooms or other small partially enclosed spaces to be used by customers or members of the public for private viewing of videos or any other similar purpose;
- (n) The location and dimensions of any movie screen, projection equipment, or viewing equipment;
- (o) A certification that the operator has reviewed this chapter;

- (p) A certification that the operator has reviewed the information contained in or submitted with the application and that such information is up to date, accurate and complete as of the date of the application.
- C. Incomplete applications. The Town may decline to accept an adult-oriented use application for filing if it is obviously incomplete. With respect to any filed application that is determined upon review to be incomplete, the Town shall issue a written notice to the operator, within five business days after the date of filing, stating that the application is incomplete and listing the specific items required to complete the application. If no such notice is issued within such five-day period, the application shall be deemed to be complete for purposes of processing. Upon completion of the application, the Town shall notify the operator in writing within three business days that the application was completed as of a specified date. In the event the application is not completed within 60 days after the initial filing of the application, the Town shall deny the application as incomplete and shall notify the operator in writing of the reason for the denial within three business days.
- D. Waiver of application requirements. The Town waive in writing any application requirement that the Town determines is not necessary for the effective review and determination of the application. Such waivers may be issued at a pre-application staff conference or at any time during the application review process.
- E. Background check. Upon the filing of an application for an adult-oriented use license, the Town Board shall immediately request the Kenosha County Sheriff's Department to conduct a background check on the operator and on each person identified in response to Subsection B(4) of this section. The Kenosha County Sheriff's Department shall promptly forward the results of such background check(s) to the Town Board, which shall include the results of such background check(s) for the five years immediately preceding the date of the application.
- F. Staff report. The Town shall prepare a staff report on the application, which shall include the relevant results of any background checks conducted pursuant to Subsection D above. A copy of such staff report shall be made available to the operator prior to the meeting at which the Town Board will consider the application.
- G. Application fees.
  - (1) License. The application fee for an initial adult-oriented use license shall be \$500. The application fee for an amendment of such a

license or for a renewal and amendment of such license shall be \$300. The application fee for a renewal of such a license without change shall be \$200. The application fee for an informal minor modification of such a license shall be \$100.

- (2) Work permit. The application fee for an adult-oriented use work permit shall be \$100.

## **Sec. 6-8. Decision**

### **A. Time limit.**

- (1) The Town Board shall decide each application for an initial adult-oriented use license, or for an amendment or renewal of such a license, within 45 days after a complete application and the applicable fee for such application are filed, unless the operator or an authorized representative of the operator agrees to an extension of time at a Town Board meeting, which extension is contained in the minutes of such meeting, or is memorialized in a writing signed by the operator or an authorized representative of the operator; provided, however, that notwithstanding the foregoing time limit, the Town Board may toll the remaining time for decision until the next regularly scheduled meeting that is conducted by the Town Board if:
  - (a) A required site and operational plan approval under Chapter 2, Article IV, Sec. 2-24, "Plan Commission" (including the determination of the applicable physically separate defined area), has not yet been issued with respect to the proposed adult-oriented use(s) and any other use(s) to be located and conducted together with such adult-oriented use(s) in the same physically defined separate area of a building; or if
  - (b) A required amendment of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", has not yet been enacted and the application for such amendment is not ripe for decision by the Town Board; or if
  - (c) The operator or a knowledgeable representative of the operator authorized to speak for and bind the operator fails to appear at a meeting of the Town Board at which consideration of the application is duly scheduled, and if the Town Board has any questions about the application or the proposed use(s) to which it reasonably requires answers before deciding the application, or if the operator or the

operator's authorized representative are unable to answer such questions without an adjournment.

- (2) If the Town Board fails to decide an application for an adult-oriented use license within the time limits established by this chapter, the license shall be deemed to be issued on the basis of the information provided in the application.
- B. Notice and opportunity to be heard. The Town Board shall cause a written notice to be issued to the operator, not less than 10 days prior to the date of the Town Board meeting at which the operator's application is proposed to be considered, stating the date, time and place of the meeting, the operator's obligation to be present in person or by knowledgeable representative authorized to speak for and bind the operator, and optionally, any additional information that the Town Board or staff believes in necessary or desirable to decide the application. The operator shall be given an opportunity to present its application and to respond to any concerns that members of the Town Board have which might be the basis for denial or the imposition of any special limiting condition.
  - C. Approval. The Town Board shall approve an application for an adult-oriented use license if the application and the proposed adult-oriented use(s) and establishment to satisfy all of the requirements of this chapter and if the Town Board does not find that there is a reasonable probability that the operator will fail to comply with the requirement of this chapter or of a license issued pursuant to this chapter, based on a substantial pattern of noncompliant behavior during the five years immediately preceding the date of the application or other clear and convincing information.
  - D. Conditions. The Town Board may impose reasonable requirements and conditions to ensure compliance by the operator with the requirements of this chapter or of a license issued pursuant to this chapter, and for such purposes may incorporate by reference in its decision all or portions of the operator's application or other documents. The Town Board shall specify whether any condition imposed on its approval is a condition precedent (must be satisfied before the license takes effect) or a condition subsequent (must be satisfied after the license takes effect to avoid a subsequent suspension and possible termination) and may specify a reasonable period of time within which to satisfy any such condition. For existing adult-oriented uses or establishments that are allowed uses pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", conditions precedent shall be avoided unless they are required to remedy serious health or safety problems or serious adverse secondary effects in the surrounding area.

- E. Physically separate defined area. In the event that the physically separate defined area to be occupied by an existing allowed adult-oriented use and any related interior accessory use(s) involved in the adult-oriented use license application has not been determined and will not be determined pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", in connection with a then-currently-required site and operational plan approval, the Town Board shall determine the physically separate defined area of such use(s) as part of the license decision.
- F. Denial. The Town Board shall deny the license application if it finds that the proposed adult-oriented use(s) or establishment fail to satisfy the requirements of this chapter, or if it finds that there is a reasonable probability that the operator will fail to comply with the requirements of this chapter or of a license issued pursuant to this chapter, based on a substantial pattern of noncompliant behavior during the five years immediately preceding the date of the application or other clear and convincing information. The Town Board may deny a license application for lack of specific information, which it reasonably needs to decide the application, if the operator has been given a reasonable opportunity to supply such information. The Town Board shall specifically state its reasons for denying any adult-oriented use license application.
- G. Minor modifications. Applications for minor modifications of adult-oriented use licenses may be informally granted in writing by the Town pursuant to Sec. 6-10 below.

#### **Sec. 6-9. License**

- A. Issuance of a License. The Town shall issue an adult-oriented use license within five business days after Town Board approval of the application, if there are no conditions precedent, or Town certification that all conditions precedent to the Town Board approval have been satisfied pursuant to Subsection B(1) below. If the Department fails to act timely pursuant to this Section 6-9A, the license shall be deemed to be issued for purposes of the operator's right to operate, but a subsequently issued license shall be valid and binding. Notwithstanding any other provision of this chapter, no violation of this chapter shall result from an operator of an existing adult-oriented use or establishment that is an allowed use pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", continuing to operate such use or establishment during the period between Town Board's approval of an adult-oriented use license for such use or establishment, which is not subject to any conditions precedent, and the issuance of such license to the operator. An adult-oriented use license shall be personal to the operator and site-specific to the approved location, shall not run with the land, shall not be transferable or assignable and shall not be applicable to an adult-oriented use or establishment at a location different

than the approved location. A transfer or assignment of an adult-oriented use license shall automatically terminate such license. (A simple name change by an operator shall not be deemed to involve an assignment and require a new license, but the merger or acquisition of an operator shall be deemed to involve an assignment and shall require a new license.) Except as provided in Sec. 6-10 below, any initial, renewed or amended adult-oriented use license shall automatically expire one year after the date of issuance unless it is sooner invalidate or terminated.

B. Satisfaction of license conditions.

- (1) Conditions precedent. The operator of a proposed adult-oriented use or establishment shall satisfy all conditions precedent imposed by the Town Board on its approval of an application for an adult-oriented use license within the time specified by the Town Board in its decision, or if the time was not specified by the Town Board, within 270 days after the date of approval. The operator shall notify the Town in writing, within the time prescribed, of the satisfaction of any conditions precedent and shall either provide proof of satisfaction with such notice or request in such notice an inspection of the premises. The Town shall make any requested inspection within three business days after receipt of such notice and shall certify to the Town Board satisfactory compliance with any condition precedent and issue the license (or notify the operator in writing why a condition has not been satisfied) within three business days after receiving such proof or after making an inspection. In the event that the operator fails to satisfy a condition precedent within the time prescribed, the Town Board's approval shall be automatically suspended. If the operator thereafter satisfies the condition precedent within one year after the Town Board's approval, and files an updated application in which the operator certifies that the updated information is accurate and complete, together with the fee required for a renewal application, the Town shall certify satisfactory compliance with the condition(s) precedent and issue the license within three business days, unless facts have changed materially or the requirements of this chapter have changed materially in the interim, in which event the Town shall issue a notice to the operator within three business days that the updated application is being treated as an application for renewal. If the Department fails to act timely pursuant to this Subsection B(1), the action in favor of the operator shall be deemed to have been taken timely.
- (2) Conditions subsequent. The operator shall satisfy any conditions subsequent to the license and obtain the Town's certification of such satisfaction within the time specified in the license or, if such

time is not specified, within 60 days after the date of issuance. The operator shall notify the Town in writing, within the time prescribed, of satisfaction of any conditions subsequent and provide proof of satisfaction with such notice or request in such notice an inspection of the premises. The Town shall inspect the premises within three business days after receiving notice and a request for inspection. The Town shall certify the satisfaction (or notify the operator in writing why the condition has not been satisfied) within three business days after receiving such proof or conducting such an inspection. In the event that an operator fails to satisfy a condition subsequent and obtain the Town's certification of such satisfaction within the time prescribed, the license shall be automatically suspended. During any such suspension, operations shall be prohibited. Any such suspension shall be automatically lifted upon the Town's certification of satisfactory compliance with the condition(s) subsequent. If the Town fails to act timely pursuant to this Subsection B(2), the action in favor of the operator shall be deemed to have been taken on the last day of the time prescribed for such action.

**Sec. 6-10. License renewal, amendments, minor modification.**

- A. License renewal. An operator wishing to renew a valid adult-oriented use license shall file a complete renewal application with the Town, together with the renewal license application fee specified in Sec. 6-7G of this chapter, not later than 60 days prior to the expiration of the existing license. The timely filing of a complete renewal application and the required application fee shall entitle an operator to continue operating an adult-oriented use or establishment during the pendency of the application, even if the application is not decided until after the expiration of the existing license, and until the license is issued if the Town Board approves the application without conditions precedent. Any amendments to this chapter that are enacted before the Town Board's decision shall be applicable to a renewal application. The application for renewal of an adult-oriented use license shall contain all of the information and documents required for an initial adult-oriented use license. Such an application may incorporate by reference specific information filed by the operator in or attached to the most recent application on the basis of which an adult-oriented use license was approved by the Town Board, provided that such previous application and any applicable attachments thereto are attached to the renewal application or are on file with the Town and readily available, if the operator specifies the date of such prior application and certifies that such information has not changed and is up to date, accurate and complete as of the date of the application. Any information that has changed since the previous application or which was

incorrectly stated in the previous application shall be updated and corrected by the operator so that all of the information filed with the Town is accurate and complete as of the date of the application. Sections 6-8 and 6-9 of this chapter shall apply to license renewal.

- B. License amendment. An operator desiring to amend a valid adult-oriented use license shall file an application for amendment of the license with the Town, together with the amended license application fee specified in Sec. 6-7G of this chapter, after requesting and participating in any preapplication staff conference required by Sec. 6-6 of this chapter. Any amendments to this chapter that are enacted before the Town Board's decision shall be applicable to an amendment application. The application for amendment of an adult-oriented use license shall contain all of the information and documents required for an application for an initial adult-oriented use license and shall contain a complete and detailed description of any proposed changes in use, operation, physical layout or license provisions and a scale drawing showing any physical changes in layout. Such an application may incorporate by reference specific information filed by the operator in the most recent application on the basis of which an adult-oriented use license was approved by the Town Board, provided that such previous application and any applicable attachments thereto are attached to the application, or that such documents are on file with the Town and is readily available, if the operator specifies the date of such application and certifies that such information has not changed and is up to date, accurate and complete as of the date of the application. Any information that has changed since the date of the previous application or which was incorrectly stated in the previous application shall be updated and corrected by the operator so that all of the information filed with the Town is accurate and complete as of the date of the application. Sections 6-8 and 6-9 of this chapter shall apply to license amendment.
- C. Minor modification of license. An operator desiring a minor modification of a valid adult-oriented use license shall file an application for minor modification with the Town, together with the minor modification application fee specified in Sec. 6-7G of this chapter, after requesting and participating in any preapplication staff conference required by Sec. 6-6 of this chapter. The Town shall be authorized but not obligated to grant a minor modification, and if practicable, the Town shall give guidance to the operator during the preapplication staff conference whether an application for a minor modification is advisable. The application for minor modification shall contain a complete, detailed and accurate description of the proposed minor modification(s) of the operation, physical layout or license provisions and a scale drawing showing any proposed physical modification(s) in layout, any information required to update or correct any changes or inaccuracies or incomplete statements in the information filed with the most recent application on the basis of which the Town Board

approved an adult-oriented use license so that all of the information filed with the Town is accurate and complete as of the date of the application, together with the certification by the operator that all such information is accurate and complete as of the date of the application, and any other information reasonably required by the Town to determine whether any proposed modification is a minor modification. Any application for a minor modification of an adult-oriented use license the Town or fails to issue in writing within 10 business days after the filing of the application shall be deemed to be denied. If the operator still desires to effect the proposed modification(s) in the license, the operator shall file an application for an amended license.

**Sec.6-11. Suspension, adjustment or termination of license.**

- A. Upon receipt of information providing a reasonable basis to believe that a serious violation of this chapter or of a license issued pursuant to this chapter has occurred (for purposes of this section, “serious violation” shall include any violation which involves criminal activity, involves the presence of an individual of less than 18 years of age inside the physically separate defined area of a building within which an adult-oriented use is located, or is of a type reasonably likely to result in harmful secondary effects in the surrounding area) or that a pattern of violations of this chapter or of a license issued pursuant to this chapter has occurred which reasonably suggests intentional violation by the operator or a lack of concern about compliance on the part of the operator or that materially false, misleading or incomplete information was provided by the operator in or with an adult-oriented use application; the Town Board may schedule a hearing to determine whether such violations occurred (unless a court has already made such determination), whether the operator committed or was responsible for such violation(s), and whether adjustments in the operation, supervision, layout or other aspects of the licensed adult-oriented use(s) or establishment are required, or whether adjustments in the adult-oriented use license provisions are required, to prevent similar violations in the future, and with respect to materially false, misleading or incomplete information provided in or with a license application, what the accurate and complete information is and whether, how and to what extent any such false, misleading or incomplete information affected the Town Board’s decision to approve the license application and whether the license should be adjusted or terminated in light of such information.
  
- B. The Town Board shall cause a written notice of any such hearing to be served upon the operator or upon the individual apparently in charge of the adult-oriented use or establishment in the manner of serving a summons under Sec. 801.10 and Sec. 801.11(1), Wis. Stats., not less than 10 days before the date of the hearing. The notice shall specify the alleged violation(s), state the reason for the hearing, and state the date, time and place of the hearing.

- C. If the Town Board finds that adjustments in the adult-oriented use license provisions are required to ensure that further similar violations are prevented, or in light of complete and accurate information, it may impose such additional or further requirements or conditions on the license as are reasonably designed to prevent further similar violations or to deal with the situation presented by complete and accurate information, and may suspend such license for a reasonable period of time while such adjustments are being made and while related requirements or conditions are being implemented or satisfied. If the Town Board finds that the operator has intentionally committed, authorized, approved or knowingly acquiesced in a serious violation of the provisions of this chapter or of a license issued pursuant to this chapter, or if a felony has been committed at the adult-oriented use or establishment for which the operator is responsible pursuant to Sec. 6-14AA of this chapter, or if the Town Board finds, based on a substantial pattern of violations of this chapter or of a license issued pursuant to this chapter committed by the operator or for which the operator is responsible pursuant to Sec. 6-14AA of this chapter, that a reasonable probability exists that violations will continue, it may terminate the license. If the Town Board finds, in a situation where the operator provided materially inaccurate, misleading or incomplete information in or with a license application, that it would not grant an adult-oriented use license based on the current information (or lack thereof) that it has, or if the license it would grant would have different provisions in light of such information or the lack thereof, it may terminate or adjust the license, and may suspend the license until satisfactory information is provided and/or for a reasonable period of time while such adjustments are being made and while related requirements or conditions are being implemented or satisfied.
- D. The operator may be represented by legal counsel at such a hearing and may make legal arguments, present evidence and call, examine and cross examine witnesses. The proceedings shall be recorded by a recording device or stenographer. Exhibits shall be marked and preserved. The Town Board shall make findings of fact and conclusions of law to support any decision to suspend, adjust or terminate a license. If a license is terminated pursuant to this Sec. 6-11, the operator shall not file an application for a new license within one year after the date of termination.
- E. The procedures of this Sec. 6-11 shall be in addition to any other remedies that the Town may have in the event of violations of this chapter or of a license issued pursuant to this chapter.

### **Sec. 6-12. Appeal**

At the option of the operator, any denial by the Town Board of an initial adult-oriented use license application or of an application to renew or amend such a

license, or any adjustment, suspension or termination of such a license by the Town Board, or the imposition of any requirement or condition by the Town Board, or any determination by the Town that a condition of approval has not been satisfied, may be appealed by the operator to the Kenosha County Zoning Board of Appeals in accordance with the procedure and with the effect set out in Kenosha County Ordinances, but if the operator wishes to challenge any such denial, condition or determination directly in court, the Town Board shall waive any defense based on the operator's failure to exhaust administrative remedies. Any denial by the Town Clerk of an adult-oriented use work permit may similarly be appealed by the applicant to the Kenosha County Zoning Board of Appeals, but if the applicant wishes to challenge such denial directly in court, the Town shall waive any defense based on the applicant's failure to exhaust administrative remedies.

### **Sec. 6-13. Inspection.**

The portions of any adult-oriented use or establishment open or proposed to be open to any customers or members of the public shall be subject to inspection by Town inspectors or police officers at any time such use or establishment is open to the public to determine compliance with the requirements of this chapter or of any license issued pursuant to this chapter. The filing of an application for an adult-oriented use license (or for the renewal, amendment or minor modification of such license) shall constitute consent to any such inspection.

### **Sec.6-14. Requirements and prohibitions**

The following requirements or prohibitions shall apply to licensed adult-oriented uses and establishments:

- A. The operator (if the operator is an individual), all individuals identified in response to Sec. 6-6B(4) of this chapter, and all employees and entertainers working, providing services or entertaining in an adult-oriented use or establishment shall be at least 18 years of age.
- B. Any adult-oriented use shall be conducted entirely within a principal building.
- C. All adult-oriented uses located and conducted together in the same principal building, and all related indoor accessory uses, shall be located within the same physically separate defined area of a principal building, and no other uses shall be permitted in such defined area except as expressly approved in an adult-oriented use license.
- D. Any adult-oriented use license shall either designate an entire principal building as the physically separate defined area or shall precisely designate the location of the boundary of such defined area and specify

the approved means of physically separating such defined area from other portions of the building or, if applicable, from other portions of the applicable unit of a building. In the event that an adult-oriented use license fails to designate the applicable physically separate defined area, however, any designation of such defined area made pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", shall be deemed to be controlling, and in the absence of such a designation, the entire building shall be deemed to be included in such area.

- E. An adult-oriented use license shall not be issued for any adult-oriented use or establishment if the operator, use(s) or related operation or layout in question fail to satisfy any applicable requirements of this chapter, Chapter 2, Article IV, Sec. 2-24, "Plan Commission", or any other Town ordinance.
- F. An individual shall not appear live and publicly in an adult-oriented use or establishment while completely nude. A female individual shall not appear live and publicly in an adult-oriented use or establishment without wearing at least opaque pasties and an opaque G-string. A male individual shall not appear live and publicly in an adult-oriented use or establishment without wearing at least an opaque G-string. An individual appearing live and publicly in an adult-oriented use or establishment shall not uncover or expose to view his or her genitals or anus, and a female individual appearing live and publicly in an adult-oriented use or establishment shall not uncover or expose to view the areola or nipple of her breast. The operator shall not permit an individual appearing live and publicly in an adult-oriented use or establishment to violate this Subsection F.
- G. A seminude individual shall not appear live and publicly in any adult-oriented use or establishment other than on a raised platform or stage that is at least 23 inches above the surrounding floor areas. A seminude individual shall not appear live and publicly in an adult-oriented use or establishment in an area that is not open to and viewable by customers and members of the public generally who are within the physically separate defined area occupied by the adult-oriented use in which such individual is appearing. The operator shall not permit a seminude individual appearing live and publicly in an adult-oriented use or establishment to violate this Subsection G.
- H. The raised platform or stage on which any seminude individual appears live and publicly in an adult-oriented use or establishment shall be separated from any area of such use or establishment where any members of the public or customers are permitted to sit, stand, move about or dance by a separation zone consisting of not less than six feet of space (measured horizontally from the closest edge of the raised platform or stage), and a rigid physical barrier not less than 30 inches high at the

outer periphery of such separation zone. A customer or member of the public shall not sit, stand, move about or dance within such six-foot separation zone while a seminude individual is appearing live and publicly in such adult-oriented use or establishment. The operator shall not permit a customer or member of the public in an adult-oriented use or establishment to so occupy such six-foot separation zone while a seminude individual is appearing live and publicly in such use or establishment.

- I. Without respect to Subsections G and H above, a seminude individual shall not appear live and publicly in any adult-oriented use or establishment within six feet of any customers or members of the public.
- J. An individual less than 18 years of age shall not enter or remain in the physically separate defined area of a building in which an adult-oriented use is located. The operator of an adult-oriented use or establishment shall not permit any individual less than 18 years of age to enter or remain in the physically separate defined area of a building in which an adult-oriented use is located. The age limit shall be prominently and clearly posted at all entrances to the physically separate defined area of a building in which an adult-oriented use is located.
- K. A seminude individual appearing live in an adult-oriented use or establishment shall not be visible to anyone outside the physically separate defined area of a building occupied by such use.
- L. Adult-oriented printed or graphic materials (including, without limitation, any advertising or packaging materials that are themselves adult-oriented printed or graphic materials) that are displayed within an adult-oriented use or establishment shall not be visible to anyone outside the physically separate defined area of a building occupied by such use.
- M. An adult-oriented movie or other adult-oriented motion-picture materials being shown in an adult-oriented use or establishment shall not be visible to anyone outside the physically separate defined area of a building occupied by such use.
- N. An adult-oriented use or establishment shall comply with all applicable requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", and of all Town ordinances.
- O. An adult-oriented use license shall not be granted for the operation of an adult-oriented use or establishment in the same building as a residential use or a motel or hotel use, unless both the adult-oriented use or motel or hotel use and the residential use are existing allowed uses pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", and the only way to

access the residential use or motel or hotel use is by an exterior entrance that is completely separate from the adult-oriented use(s) or establishment.

- P. An individual who appears live and publicly in a seminude condition in an adult-oriented use or establishment shall not socialize or mingle with customers or members of the public or customers in such use or establishment, and shall not work as a bartender, waitress, waiter, hostess or host, or in any other capacity in such use or establishment that involves direct contact with customers or members of the public in such use or establishment, during the eight hours immediately before or after so appearing.
- Q. An operator shall not permit any criminal activity in an adult-oriented use or establishment.
- R. A seminude individual appearing live and publicly in an adult-oriented use or establishment shall not touch any customer or member of the public in such use or establishment, or voluntarily allow himself or herself to be touched by a customer or member of the public in such use or establishment. A customer or member of the public in an adult-oriented use or establishment shall not touch a seminude individual appearing live and publicly in such a use or establishment and shall not voluntarily allow himself or herself to be touched by a seminude individual appearing live and publicly in such a use or establishment. These restrictions on touching shall be applicable, without limitation, to any touching in connection with the acceptance or giving a tip or other gratuity. The operator shall not permit a customer, member of the public or seminude individual appearing live and publicly in an adult-oriented use or establishment to violate this Subsection R.
- S. A customer or member of the public in an adult-oriented use or establishment shall not be directly and physically involved in any entertainment involving the live public appearance of a seminude individual. The operator shall not permit a customer or member of the public to violate this Subsection S.
- T. A seminude individual appearing live and publicly in an adult-oriented use or establishment shall not fondle or otherwise touch in an erotic or indecent manner any other entertainer or employee in an adult-oriented use or establishment or voluntarily permit herself or himself to be fondles or otherwise touched in an erotic or indecent manner by any other entertainer or employee in such a use or establishment.
- U. Any cubicle, booth or small room or other small enclosed space having a floor area less than 100 square feet in an adult use or establishment,

which is used by customers or members of the public for private viewing of adult-oriented materials or other similar purposes (but not including a rest room), shall be completely open at one end to the main room or to an interior aisle, shall be situated and arranged so as to be easily inspected, shall contain seating for not more than one individual, shall have walls not less than six feet high without any openings separating it from any adjoining cubicles, booths or small rooms or enclosed spaces. No more than one customer, member of the public, employee or entertainer shall occupy any such cubicle, booth, small room or other small enclosed space at any one time, The operator shall not permit more than one individual to occupy any such cubicle, booth, small room or other small enclosed space at any one time.

- V. The hours than an adult-oriented use or establishment may be open to the public shall only be those periods of time that are permitted for such a use in the B-2 Zoning District by Sec. 5-119K(1) of Chapter 2, Article IV, Sec. 2-24, "Plan Commission".
- W. An individual shall not perform or engage in any actual specified sexual activities in an adult-oriented use or establishment. The operator shall not permit any individual to perform or engage in any such activities in an adult-oriented use or establishment.
- X. Except as otherwise specifically provided in this chapter:
  - (1) Each employee or entertainer working, performing any services or entertaining in an adult-oriented use or establishment shall possess a valid adult-oriented use work permit issued by the Town Clerk pursuant to Sec. 6-15 of this chapter;
  - (2) The operator shall not permit any employee or entertainer to work, perform any services or entertain in an adult-oriented use or establishment without possessing a valid adult-oriented use work permit; and
  - (3) Each employee or entertainer shall have a valid adult-oriented use work permit on his or her person or readily accessible at all times when working, performing any services or entertaining in an adult-oriented use or establishment and shall display such permit upon reasonable request by a Town inspector or police officer.
- Y. Any cubicle, booth or small room or other small enclosed space having a floor area of less than 100 square feet, which is used by customers or members of the public for private viewing of adult-oriented materials or other similar purposes (but not including a rest room) shall have interior

surfaces that are light-colored, nonabsorbent and easily cleaned. Such surfaces shall be maintained in a clean and sanitary condition at all times.

- Z. All doorways, entryways or passageways within the physically separate defined area of a building occupied by an adult-oriented use through which any customers or members of the public are permitted to pass, except exterior entrances/exits and rest rooms, shall not be closed, or obstructed, or off limits to other customers or members of the public unless specifically provided for in an adult-oriented use license.
- AA. Every act or omission of an employee or entertainer working, providing any services or entertaining in an adult-oriented use or establishment, and every act or omission of a customer or member of the public present in an adult-oriented use or establishment, which violated this chapter or a license pursuant to this chapter shall be deemed to be the act or omission and violation of the operator if such act or omission and violation of the operator if such act or omission occurred with the authorization, approval or knowing acquiescence of the operator, or as a result of the operator's negligent failure to supervise the conduct of the employee, entertainer, customer or member of the public and diligent supervision by the operator would reasonably have prevented the violation, and the operator shall be punishable for such act or omission to the same extent as if the operator committed or caused the act or omission.
- BB. The operator shall be responsible for advising employees, entertainers, customers and members of the public in an adult-oriented use or establishment of applicable requirements of this chapter and of any license issued pursuant to this chapter. The operator shall be responsible for closely supervising the activities and conduct of all employees, entertainers, customers and members of the public in an adult-oriented use or establishment in order to prevent violations of this chapter and of any license issued pursuant to this chapter, and to terminate any violations that do occur as rapidly as possible, and to take such actions as may reasonably be required to prevent any recurrence of any such violations.
- CC. Any adult-oriented use or establishment shall comply with the requirements of Chapter 2, Article IV, Sec. 2-24, "Plan Commission", and all other applicable Town ordinances.

### **Sec. 6-15. Employee and entertainer permits.**

After the effective date of this chapter any employee or entertainer desiring to work, provide services or entertain within the physically separate defined area of a building in which an adult-oriented use or establishment licensed pursuant to this chapter is located, while such use or establishment is open to customers or

the general public, shall obtain and possess a valid adult-use work permit before commencing or continuing such work, services or entertaining. The Town Clerk is authorized to issue such permits for periods of 30 days or one year, depending on the work plans of the applicant.

- A. An application for an adult-oriented use work permit shall be filed with the Town Clerk, on a form provided by the Town and dated and signed by the applicant. The application shall include the following information:
- (1) Name of the applicant and any aliases used within the five years immediately preceding the date of the application;
  - (2) Name and address of the adult-oriented use or establishment where the applicant proposes to work, perform services or entertain, the nature of the work, services or entertainment to be provided, and the anticipated duration of the work, services or entertainment;
  - (3) The street address and telephone number at which the applicant can be contacted regarding the application and permit;
  - (4) Applicant's date of birth;
  - (5) Applicant's sex;
  - (6) Applicant's race;
  - (7) Applicant's state of residence currently and at any time during the five years immediately preceding the date of the application;
  - (8) Whether the applicant has been convicted during the five years immediately preceding the date of the application of any of the crimes specified in Sec. 6-7B(7) of this chapter, and if so, the information about such conviction(s) required by that subsection; and
  - (9) Whether the applicant has been adjudicated guilty during the five years immediately preceding the date of application of any ordinance violation occurring in or relating to the operation of an adult-oriented use or establishment, and if so, the nature of the ordinance violation, the date of the adjudication, and the court and jurisdiction in which the adjudication occurred.
- B. Upon the filing of an application, the Town Clerk shall request that the Kenosha County Sheriff's Department conduct a background check on the applicant. Any information obtained by the Kenosha County Sheriff's

Department regarding the applicant shall be promptly provided to the Town Clerk. If the application as filed is incomplete, the Town Clerk shall notify the applicant in writing, within three business days after the date of filing, what additional information is required.

- C. The Town Clerk shall deny the license if the applicant is not at least 18 years of age or if the Clerk finds that a reasonable probability exists that the applicant will violate the provisions of this chapter or of a license issued pursuant to this chapter, based on a substantial pattern of noncompliant behavior during the five years immediately preceding the date of the application or other clear and convincing information. The Town Clerk shall state the reason(s) for denial and notify the applicant of such reasons in writing within five business days after the filing of a complete application and the application fee.
- D. If the applicant is at least 18 years of age, and the Town Clerk does not find that a reasonable probability of future violations exists, the Clerk shall issue the license, within five business days after a complete application and the application fee required by this chapter is filed. If the Town Clerk fails to act within the time provided in this Sec. 6-15, a thirty-day license shall be deemed to be issued.

**Sec. 6-16. Violations and Enforcement.**

- A. Violations. After the effective date of this chapter, except as otherwise specifically provided in this chapter, it shall be unlawful to, and no person shall:
  - (1) Operate an adult-oriented use or establishment without possessing a valid adult-oriented use license;
  - (2) Operate and adult-oriented use or establishment other than in accordance with the requirements of this chapter and of a valid adult-oriented use license;
  - (3) Violate any provision of this chapter or of any license issued pursuant to this chapter; or
  - (4) Provide materially false, misleading or incomplete information in or with an application for an initial license pursuant to this chapter, or for a renewal, amendment or minor modification of such a license.
  - (5) Work, provide services or entertain in an adult-oriented use or establishment without a valid work permit required by Sec. 6-15 of this chapter.

B. Enforcement.

- (1) Legal actions. The Town may institute any appropriate legal actions or proceedings to enforce the provisions of this chapter or of any license issued pursuant to this chapter by means of forfeitures or penalties, injunction of violations, abatement or nuisances, or otherwise as provided by law.
- (2) Forfeitures; penalties. Any person who violates the provisions of this chapter shall, upon conviction, forfeit not less than \$250 nor more than \$1,000 for each violations, plus the costs or prosecution. Each day that a violation exists or continues shall constitute a separate violation. The penalty for default of payment of any such forfeiture and costs shall be imprisonment in the Kenosha County Jail until payment thereof, but not exceeding six months.
- (3) Adjustment, suspension, termination of license. The Town Board may adjust, suspend or terminate a license issued pursuant to this chapter in accordance with Sec. 6-11 of this chapter for violations of this chapter or of any license issued pursuant to this chapter that are committed by the operator or for which the operator is responsible pursuant to Sec. 6-14AA of this chapter.

**Sec. 6-17. Authorized representatives.**

Any individual representing and appearing or speaking for an operator in any dealings with the Town Board or with the Town shall be deemed to be an authorized representative of the operator unless the operator has specifically advised the Town in writing that such individual is not to be regarded as an authorized representative or is only to be regarded as an authorized representative with respect to certain specified matters.

**Sec. 6-18. Discrepancies.**

In the event of any discrepancy between a requirement imposed by the Town Board pursuant to this chapter and a requirement imposed pursuant to any other Town ordinance, the more stringent requirement shall control.

**Sec. 6-19. Other licenses, permits and approvals.**

Possession by an operator of a valid adult-oriented use license shall not eliminate the need to obtain any other license, permit or approval required by any Town ordinance. Notwithstanding any other provision of a Town ordinance to the contrary, any complete application for a Town license, permit or approval needed by an adult-oriented use or establishment shall be deemed to be automatically granted if the application is not decided within 45 days after the date of filing (or the date of completion, if later than the date of filing) and the payment of any

applicable application fee, and the Town shall issue a written notice to the operator of any required additional information needed to complete any such application within 10 business days after the date of filing.

### **Sec. 6-20 Definitions.**

As used in this chapter, certain words, terms and phrases are defined as follows:

**ACCESSORY USE** – A use of real property that is related, subordinate and customarily incidental to a particular principal use, or a use that is specifically recognized by Chapter 2, Article IV, Sec. 2-24, “Plan Commission”, as an accessory use in relation to a particular principal use, and which is located on the same lot or on the same approved site as such principal use. (Note: An indoor accessory use related to an adult-oriented use must be located within the same physically separate defined area of the principal building occupied by such adult-oriented use, pursuant to Sec. 6-6B of this chapter.)

**ADJUDICATED GUILTY** – See definition for “convicted” below.

**ADULT BOOKSTORE** – A use or establishment that sells at retail adult-oriented printed or graphic materials, provided that 40% or more of the store’s inventory of printed or graphic materials that are displayed and offered for sale in the store (either in terms of the number of items or in terms of the aggregate retail value of such items) consists of adult-oriented printed or graphic materials, or that 40% or more of the display space or floor area devoted to printed or graphic materials for sale in the store is devoted to adult-oriented printed or graphic materials, or that 40% or more of the store’s gross receipts from the sale of printed or graphic materials during any calendar month within the past 12 calendar months are attributable to the sale of adult-oriented printed or graphic materials, or that the store holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult bookstore or as a substantial source of adult-oriented materials including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult books,” “adult entertainment,” “exotic entertainment” or similar terms.

**ADULT CABARET** – A use or establishment, open to members of the public, that serves or sells alcoholic beverages by the drink, and which typically or on a frequently recurring basis provides or allows the provision of adult live entertainment to its customers, or which holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an establishment where adult live entertainment is typically available or available on a frequently recurring basis including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult entertainment,” “exotic entertainment,” “strippers,” “showgirls,” “exotic dancers,” “gentlemen’s club” or similar terms relating to either or both sexes.

**ADULT CLUB** – A use or establishment that would be classified as an adult cabaret, adult dry cabaret or adult viewing facility except that it is operated as a private club that is open only to members and their guests.

**ADULT DRY CABARET** – A use or establishment, open to members of the public, that does not serve or sell alcoholic beverages, and which typically or on a frequently recurring basis provides or allows the provision of adult live entertainment to its customers, or which holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult dry cabaret or an establishment where adult live entertainment is typically available or available on a frequently recurring basis including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult entertainment,” “exotic entertainment,” “strippers,” “showgirls,” “exotic dancers,” “gentlemen’s club” or similar terms relating to either or both sexes.

**ADULT LIVE ENTERTAINMENT** – Seminude dancing or any other form of live entertainment performed by seminude entertainers.

**ADULT MOVIE THEATER** – A use or establishment, open to the public, that typically or on a frequently recurring basis shows movies which have as their dominant subject or theme, or which are distinguished or characterized by their primary emphasis on, the depiction or description of specified sexual activities or specified anatomical areas, or that holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult movie theater or a movie theater where adult-oriented motion-picture materials are typically shown or shown on a frequently recurring basis including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult entertainment,” “exotic entertainment” or similar terms.

**ADULT-ORIENTED ESTABLISHMENT** – A business, private club or other use conducted at a particular location, which constitutes or includes one or more adult-oriented uses, and the building or portion of a building where it is operated.

**ADULT-ORIENTED MATERIALS** – Adult-oriented printed or graphic materials and/or adult-oriented motion-picture materials.

**ADULT-ORIENTED MOTION-PICTURE MATERIALS** – Motion-picture materials which have as their dominant subject or theme, or which are distinguished or characterized by their primary emphasis on, the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT-ORIENTED PRINTED OR GRAPHIC MATERIALS** – Printed or graphic materials that have as their dominant subject or theme, or that are distinguished or characterized by their primary emphasis on, the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT-ORIENTED USE** – An adult bookstore, adult cabaret, adult club, adult movie theater, adult dry cabaret, adult video store, adult video rental store or adult viewing facility.

**ADULT VIDEO STORE** – A use or establishment that sells at retain adult-oriented motion-picture materials, provided that 40% or more of the store’s inventory of motion-picture materials that are displayed and offered for sale in the store (either in terms of the number of items or in terms of the aggregate retail value of such items) consists of adult-oriented motion-picture materials, or that 40% or more of the display space or floor area devoted to motion-picture materials for sale in the store is devoted to adult-oriented motion-picture materials, or that 40% or more of the store’s gross receipts from the sale of motion-picture materials during any calendar month within the past 12 calendar months are attributable to the sale of adult-oriented motion-picture materials, or that the store holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult video store or as a substantial source of adult-oriented materials including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult videos,” adult entertainment,” exotic entertainment” or similar terms.

**ADULT VIDEO-RENTAL STORE** – A use or establishment that rents at retail motion-picture materials, provided that 40% or more of the store’s inventory of motion-picture materials that are displayed and offered for rent in the store (either in terms of the number of items or in terms of the aggregate rental value of such items) consists of adult-oriented motion-picture materials, or that 40% or more of the display space or floor area devoted to motion-picture materials for rent in the store is devoted to adult-oriented motion-picture materials, or that 40% or more of the store’s gross receipts from the rental of motion-picture materials during any calendar month are attributable to the rental of adult-oriented motion-picture materials, or that the establishment hold itself out to the public by its name, its signs and/or its advertising as an adult video rental store or as a substantial source of adult-oriented materials including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult videos,” “adult entertainment,” “exotic entertainment” or similar terms.

**ADULT VIEWING FACILITY** – A use or establishment, open to members of the public, that allows individuals to view adult-oriented motion-picture materials on site, provided that 40% or more of the motion-picture materials available for such on-site viewing consist of adult-oriented motion-picture materials, or that 40% or more of the display space or floor area devoted to motion-picture materials that can be viewed in the establishment is devoted to adult-oriented motion-picture materials, or that 40% or more of the motion-picture materials actually viewed in the establishment in any calendar month within the past 12 calendar months are adult-oriented motion-picture materials, or that 40% or more of the establishment’s gross receipts from on-site viewing of motion-picture materials during any calendar month within the past 12 months are attributable to the

viewing of adult-oriented motion-picture materials, or that the establishment holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an adult viewing facility or as a substantial source of adult-oriented materials including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult videos,” “adult entertainment,” “exotic entertainment” or similar terms.

**ALLOWED USE** – Any type of use of real property that is allowed by Chapter 2, Article IV, Sec. 2-24, “Plan Commission”, in a particular zoning district or any existing use of real property in a particular location and in a particular set of circumstances that satisfies the requirements of Chapter 2, Article IV, Sec. 2-24, “Plan Commission”.

**APPEAR PUBLICLY IN AN ADULT-ORIENTED USE OR ESTABLISHMENT** – Appear in areas of an adult-oriented use or establishment to which customers or members of the public are admitted (other than a rest room) so as to be visible to any customer or member of the public in such use or establishment.

**BUILDING** – Any roofed structure that provides or is designed to provide housing, shelter, enclosure, protection or support for persons, animals or property. Whenever any portion of a building is completely separated from every other portion of the building by a fire division wall without pedestrian openings, it shall be deemed to be a separate attached building.

**CABARET** – A use or establishment, open to members of the public, in which alcoholic beverages are served or sold by the drink, and which provides or allows the provision of live entertainment to its customers.

**CONDITIONAL USE** – A use that has been legislatively approved in Chapter 2, Article IV, Sec. 2-24, “Plan Commission”, for a particular zoning district, subject to required administrative approval by the Town Plan Commission of a particular proposed use of that type at a particular proposed locations (in the form of a conditional use permit), in light of potential problems or potential adverse impacts associated with that type of use. A conditional use may require other Town permits, licenses or approvals in addition to the conditional use permit.

**CONVICTED** – An unvacated adjudication of guilt or other determination in a court of original jurisdiction or an authorized administrative tribunal that a person has violated or failed to comply with the law, including without limitation, a plea of guilty or no contest accepted by a court, payment of a fine or court cost, an unvacated forfeiture or property deposited to secure the person’s appearance in court, or an adjudication of having violated a local ordinance.

**CRIME** – Conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

CUSTOMER – An individual who:

- A. Is allowed to enter an adult-oriented use or establishment in return for the payment of an admission fee or any other form of consideration or gratuity,
- B. Enters an adult-oriented use or establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein, or
- C. Is a member of (or the guest of such a member) and on the premises of an adult-oriented use or establishment that is operated as a private club.

DRY CABARET – A use or establishment, open to members of the public, that provides or allows the provision of live entertainment to its customers, and that does not serve or sell alcoholic beverages, exclusive of theaters, dinner theaters, concert facilities and organized sporting events.

EMPLOYEE – Any individual who works in or provides any services in an adult-oriented use or establishment, while open to customers, members of the public or members, without regard to the nature of such individual's relationship with the operator.

ENTERTAINER – Any individual who provides live entertainment in an adult-oriented use or establishment, whether or not compensation is received for such entertainment, and without regard to the nature of such individual's relationship with the operator.

ESTABLISHMENT – A business, private club or other use conducted at a particular location and the building or portion of a building where it is operated.

FREQUENTLY RECURRING – Occurring on six or more occasions within a period of six consecutive calendar months, provided that such six or more occasions occur within at least three separate calendar weeks (i.e., the period of seven consecutive days beginning with Monday and ending with Sunday).

INDOOR ACCESSORY USE – An accessory use conducted inside a building, e.g., not including outdoor parking, fencing, landscaping, etc.

ISSUE WRITTEN NOTICE – To personally deliver a written notice, to mail such a notice by prepaid first class United States mail or certified mail, return receipt requested, or by transmitting such notice by facsimile or e-mail if the operator has provided a fax number or e-mail address in the license application.

MEMBERS OF THE PUBLIC – Individuals who are neither employees nor entertainers in an adult-oriented use or establishment.

**MINOR MODIFICATION** – A modification of the physical layout of the physically separate defined area of a building occupied by an adult-oriented use or of the operation of an adult-oriented use as approved by the Town Board in approving an application for an adult-oriented use license (or in approving an application for renewal or amendment of such a license), which:

- A. Is a minor in scope;
- B. Has no potential to create or increase the risk of harmful secondary effects of the adult-oriented use(s) in question;
- C. Is not contrary to any requirement of this chapter, Chapter 2, Article IV, Sec. 2-24, “Plan Commission”, or any other Town ordinance;
- D. Does not involve the addition of any new use within the applicable physically separate defined area; and
- E. Does not involve an expansion of any adult-oriented use or any related indoor accessory use or of the approved physically separate defined area occupied by such use(s).

**MOTION-PICTURE MATERIALS** – Videotapes, films, disks, slide shows, or other recordings of visual images from which motion pictures or a series of still pictures can be projected or reproduced and viewed, with or without audio accompaniment.

**NONCONFORMING USE** – An existing use what was lawful in its inception, but that has subsequently become either a prohibited use under Chapter 2, Article IV, Sec. 2-24, “Plan Commission”, or a use requiring a conditional use permit which has not been granted, and that was active and actual at the time the use became nonconforming (as distinguished from being merely casual, occasional, incidental or accessory), and that has been continuous with no gap of 12 or more consecutive months since it became a nonconforming use, and that has not been physically expanded or extended to occupy a greater area since the use became nonconforming, and that does not occupy a building or other structure that has been structurally altered or repaired to the extent of 50% or more of its assessed value since the use became nonconforming.

**OPEN TO THE PUBLIC** – The hours during which members of the public or customers are invited onto or permitted to remain on the premises of an adult-oriented use or establishment.

**OPERATOR** – Any person that owns, operates or conducts an adult-oriented use or establishment; also, the person that is required to apply for an adult-oriented

use license and the person to whom or to which an adult-oriented use license is issued.

**PERSON** – An individual, corporation, limited liability company, partnership, joint venture, trust, association or any other type of legally recognized entity.

**PHYSICALLY SEPARATE DEFINED AREA** – The area of a principal building or of a unit of a principal building occupied by one or more specified uses (such as an adult-oriented use), which area is defined in an approved site and operational plan, conditional use permit or special Town license (such as an adult-oriented use license) and is physically separated from other portions of the building or other portions of a particular unit of the building by walls, doorways, floor stripes, signs and/or other approved means which individually or collectively make it readily apparent that one is entering or leaving the defined area.

**PRINCIPAL BUILDING** – A building occupied by or used for one or more principal uses [and, if applicable, occupied by or used for one or more accessory uses related to such principal use(s)].

**PRINCIPAL USE** – A primary use of real property, including any use that is not an accessory use to a principal use conducted on the same lot or site.

**PRINTED OR GRAPHIC MATERIALS** – Books, magazines, newspapers, periodicals, calendars, posters, cards, photographs, pictures, drawings, covers or other packaging for merchandise or any other similar printed or graphic materials.

**PROPOSED (USE, DEVELOPMENT, STRUCTURE, ALTERATION, MODIFICATION, ETC.)** – Any use, development, structure, alteration, modification, etc., for which a license, permit or approval is required by this chapter or Chapter 2, Article IV, Sec. 2-24, “Plan Commission”, which has not yet been issued or granted, regardless of whether or not the permit or approval has been requested, and regardless of whether or not the use, development, structure, alteration, modification, etc., is existing or has been commenced, constructed, installed or completed.

**SEMINUDE** – When any portion of human genitals, pubic region, buttocks or anus, or any portion of the human female breast below the top of the areola, is not completely and opaquely covered.

**SPECIAL LICENSED USE** – Any use requiring a special Town license, e.g., and adult-oriented use, a cabaret license, or a liquor license. A special licensed use can only be conducted pursuant to and in accordance with a required Town license, and the granting of such a license is not assured either by permitted use zoning status or by the granting of a conditional use zoning permit or of any other

Town permit or approval. A special licensed use may require other Town permits or approvals.

**SPECIFIED ANATOMICAL AREAS** – Less than completely covered human genitals, pubic region, anus, buttocks and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** – Simulated or actual acts of human sexual intercourse, fellatio, cunnilingus, sodomy, masturbation, sadomasochistic abuse, bestiality or necrophilia; or simulated or actual physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, anus or buttocks or with a female person's breast; or a person's simulated or actual use of an inanimate object in an act of apparent sexual stimulation or gratification.

**STORE** – A use devoted exclusively or primarily to the retail sale or rental of goods or products.

**UNIT OF A BUILDING** – The specified area of a building in which a tenant or other person has a right of use and occupancy for nonresidential purposes, e.g., a store space in a shopping center building or a suite of offices in an office building.

**USE** – The employment and/or occupancy of a particular real property for a particular purpose or purposes; or a particular use of real property that is specifically recognized by Chapter 2, Article IV, Sec. 2-24, "Plan Commission", (Note: "use" is intended to be sufficiently elastic to refer simultaneously to the most limited possible hypothetical use, e.g., the retail sale of books, and to an actual use of which such hypothetical use is a component, e.g., a combined bookstore/coffeehouse.)

**USES CONDUCTED TOGETHER IN THE SAME BUILDING** – Uses conducted in the same building by the same owner or operator as part of the same business, company, firm or organization.

**USES LOCATED TOGETHER IN THE SAME BUILDING** – Two or more principal uses located in the same principal building, if there are no units of such building, or two or more principal uses located in the same unit of a building; provided, however, that uses located in difference physically separate defined areas of a building, approved pursuant to Chapter 2, Article IV, Sec. 2-24, "Plan Commission", or this chapter, will be deemed not to be located together.

**VALID ADULT-ORIENTED USE LICENSE** – An adult-oriented use license that has been approved by the Town Board and issued to an operator pursuant to this

chapter, and which has not expired, or been terminated, or been adjudged to be invalid by a court of competent jurisdiction, and which is not currently suspended.

TOWN – The Town of Paris, Wisconsin.

TOWN BOARD – The Chairman and Supervisors of the Town of Paris, Wisconsin.

(Amended 6/11/08)

### **Sec. 6-21 Injunction**

A person who operates or causes to be operated a sexually-oriented business without a valid license or in violation of section 6-15 or in violation of section 17.62 of this Chapter is subject to a suit for injunction as well as prosecution for violation of such ordinance. Such violations shall be punishable by a forfeiture of \$200.00 plus costs. Each day a sexually oriented business so operates is a separate offense or violation.

## **ARTICLE III. AMUSEMENT ARCADE**

### **DIVISION 1. GENERALLY**

#### **Sec. 6-21A. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Amusement arcade* means any premises at which eight or more mechanical or electronic amusement devices are located.

*Premises* means a building or part of a building in which a mechanical or electronic amusement device or an amusement arcade is located and which is described in the license.

**Cross references:** Town of Paris Code August 17, 1961, and July 1, 1983.

#### **Sec. 6-22. Penalty for violation of article.**

Any person who shall violate any provision of this article shall be subject to a forfeiture of not less than \$50.00 nor more than \$100.00.

#### **Sec. 6-23. Restrictions and regulations.**

(a) *Premises to be safe and sanitary.* No license shall be granted for any amusement arcade unless the premises complies with all fire and building requirements of the town and the state, provides adequate room for operation of the devices without blocking access or restricting the movement of patrons and is an otherwise safe and sanitary environment. Generally, usable patron floor space

should be three times greater than the floor space required by the amusement devices.

(b) *Premises to be supervised.* The premises shall be adequately supervised during all hours of operation.

(c) *Orderly conduct required.* The licensee shall maintain supervision of the premises in such a manner as to ensure that no disorderly conduct, gambling or other activity prohibited by this Code or state or federal law is permitted on such premises or adjacent areas.

(d) *Offering of prizes or awards.* No licensee under this article shall offer, advertise, make or give any reward, prize, money or thing of value to any person by reason of the operation of any mechanical or electronic amusement device.

(e) *Consent to inspection.* An applicant for a license under this article thereby consents to the entry of police or authorized representatives of the town upon the licensed premises at all reasonable hours for the purposes of inspection.

## **DIVISION 2. LICENSE**

### **Sec. 6-24. Required; fee.**

(a) No person shall operate an amusement arcade within the town without having first obtained a license from the clerk. No amusement arcade license shall be issued until the applicant has obtained a conditional use permit pursuant to section 70-241.

(b) The amusement arcade license fee shall be as set by the board from time to time.

### **Sec. 6-25. Transfer.**

Amusement arcade licenses are not transferable.

### **Sec. 6-26. Suspension, revocation or nonrenewal.**

(a) Any license issued under this article may be suspended, revoked or not renewed for cause by the town board. No license shall be suspended, revoked or not be renewed except upon verified written complaint filed with the town board by a member of such body, a law enforcement officer or resident of the town. The licensee shall be served with a copy of the complaint and shall be given an opportunity to be heard. The licensee shall be given written notice of such hearing not more than 20, nor less than five, days prior to the hearing.

(b) At such hearing, the licensee shall be entitled to be represented by counsel, shall have the right to present and cross examine witnesses and, upon

request, may have subpoenas issued by the clerk to compel the attendance of witnesses.

#### **ARTICLE IV. CIGARETTE DEALERS**

##### **Sec. 6-27. Cigarette retailer's license.**

(a) *Required.* No person shall sell cigarettes in the town without first obtaining a license from the clerk. The provisions of Wis. Stats. § 134.65 are adopted and made part of this section by reference.

(b) *Fee.* The cigarette retailer's license fee shall be \$30.00 per year.

#### **ARTICLE V. COIN-OPERATED MACHINES**

##### **Sec. 6-28. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Coin-operated machine* means any machine operated by the insertion of a coin, token or similar item designated for amusement of the person operating the device or the sale of certain products including, but not limited to, jukeboxes; video and pinball machines; pool, shuffleboard and similar games; and cigarette, food and beverage vending machines.

**Cross references:** Definitions generally, § 1-2.

##### **Sec. 6-29. License.**

(a) *Required.* No person shall distribute, install, lease or set up any coin-operated machine for use on any premises in the town without first obtaining a license from the clerk.

(b) *Application.*

(1) Application for a license under this article shall be made to the clerk on a form furnished by the clerk. The following information shall be required:

- a. The applicant's name.
- b. Type, brand and general description of all machines.
- c. Identifying numbers of all machines.
- d. Location of machines.

(2) The applicant shall consent in such application to reasonable inspection of his devices to determine ownership and character of the device.

(c) *Fee.* The fee for a license under this article shall be as set by the board from time to time for each machine. Permits may be transferred from machine to machine for a fee as set by the board from time to time.

(d) *Posting.* All licenses for coin-operated machines shall be attached in plain view upon the respective licensed devices.

**Sec. 6-30. Prizes and gambling.**

No person shall offer, make, give or award any prize, money or coin to any person through or by reason of the use or operation of a coin-operated machine. No licensee shall permit his coin-operating devices to be used for gambling purposes.

**ARTICLE VI. JUNK DEALERS**

**DIVISION 1. GENERALLY**

**DIVISION 2. LICENSE**

**Sec. 6-31. Required.**

No person within the town shall keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or secondhand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper or other metal, furniture, used motor vehicles or the parts thereof, or other article which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as provided in this division. One carrying on such business shall be referred to as a "junk dealer."

**Cross Reference:** Paris Ordinance April 22, 1958.

**Sec. 6-32. Exception.**

No license shall be required for the storage of wrecked motor vehicles stored within service garages and filling stations or on any service garage or filling station site, provided that only three wrecked vehicles may be stored on such premises at any one time for a period not exceeding 14 calendar days.

**Sec. 6-33. Application.**

Application for such license shall be made to the clerk on a form provided by the clerk.

**Sec. 6-34. Fee.**

The license fee shall be as set by the board from time to time or any fraction thereof per year; such year will commence on July 1 and end on June 30. In addition, there shall be an investigation and inspection fee as set by the board from time to time for the initial license.

**Sec. 6-35. Inspection required.**

The clerk shall report such application to the town and the building inspector, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Such premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper health, fire, building and police authorities.

**Sec. 6-36. Referral of application to plan commission.**

The application shall first be submitted to the plan commission for a hearing to determine the suitability of the site for the business proposed thereon. The plan commission may recommend conditions for granting the license.

**Sec. 6-37. Referral of application to town board.**

The application, together with the recommendation of the plan commission, shall be referred to the town board which may grant, grant with conditions, or deny the license.

**Sec. 6-38. Revocation.**

Upon complaint being made in writing by any three residents or any official of the town to the town board that any licensee under this article has violated any of the provisions of this article, the board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than three days after the date of the service thereof, to show cause why his license shall not be revoked or suspended. The board shall thereupon proceed to hear the matter and if it finds that the allegations of such complaint are true, may revoke or suspend the license of such person. The provisions of this section shall not be effective unless the licensee has received notice from the building inspector that a complaint has been filed with the board as to the operation of his premises, and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.

## **ARTICLE VII. SHOOTING RANGES**

### **Sec. 6-39. Permit.**

(a) *Required.* No person shall operate a target range within the town without a permit. Permits shall be obtained annually from the clerk.

(b) *Application.* Application for such permit shall be made to the clerk and shall set forth the name of the applicant and his address and the location and type of target range. If the application is made by other than the owner of the lands for which the permit is requested, the owner shall join in making such application.

(c) *Fee.* An annual fee of \$10.00 shall be paid to the clerk. The permit shall designate the area in which such target range is located.

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 7--FIRE PREVENTION AND PROTECTION**

**\*Cross references:** Buildings and building regulations, ch. 5.

**ARTICLE I. IN GENERAL**

- Sec. 7-1      Penalty for violation of Chapter**
- Sec. 7-2      Fire Protection Agreement**
- Sec. 7-3      Fire Department and Rescue Squad Established**
- Sec. 7-4      Organization**
- Sec. 7-5      By Laws**
- Sec. 7-6      Appropriations**
- Sec. 7-7      Compensation**
- Sec. 7-8      Organization**
- Sec. 7-9      Powers and Duties of Chief**
- Sec. 7-10     Disciplinary Review Committee**
- Sec. 7-11     Control and Care of Apparatus**
- Sec. 7-12     Authority of Fire Department at Incident**
- Sec. 7-13     Fire Inspectors**
- Sec. 7-14     Fire Inspection, Prevention, and Detection**
- Sec. 7-15     Hazardous Materials**
- Sec. 7-16     False Alarms**
- Sec. 7-17     Enforcement, Action, and Penalties**
- Sec. 7-18     Rescue Squad Fees Established**

## **ARTICLE I. IN GENERAL**

### **Sec. 7-1. Penalty for violation of chapter.**

Any person who shall violate any provision of this chapter or any order, rule or regulation made under this chapter, and any firefighter who shall neglect or refuse to perform any duty required under this chapter shall be subject to a penalty as prescribed in section 1-5 unless specifically stated otherwise in this article.

### **Sec. 7-2. Fire protection agreement.**

As authorized in Wis. Stats. § 60.55, 60.556, and 60.57, fire protection for the town is provided by the Town of Paris.

### **Sec. 7-3. Fire Department and Rescue Squad Established**

(a) FIRE DEPARTMENT The Town Board of the Town of Paris has organized a Fire Department and the duties and responsibilities of firefighting and fire protection within the Town are delegated to such department.

(b) RESCUE SQUAD The Town of Paris has also established a Rescue Squad to be affiliated with the Paris Fire Department, and the duties of providing emergency medical services to the Town are delegated to such squad. The Town Board may contract with either public or private services to provide an alternate when Town rescue services are unavailable.

### **Sec. 7-4. Organization.**

(a) GENERALLY. Except as may be otherwise provided by State Statute, the organization and internal regulation of the Fire Department and Rescue Squad shall be governed by the provisions of this Ordinance and by such by-laws as adopted by the Fire Department and Rescue Squad, not inconsistent with this Ordinance, the budget and planned future budgets for the Department.

### **Sec. 7-5. By-Laws.**

The Fire Department and the Rescue Squad shall each adopt by-laws for their control, management and governance and for regulating the business and proceedings of the Department and Squad respectively, not inconsistent with the provisions of this Ordinance, the budget and planned future budgets for the Department. Such by-laws shall be prepared by the Advisory Board under Sec 6(e)(2) of this Ordinance and after adoption by a 2/3 vote of the members of the Department and Squad combines, and shall be reviewed by the Town Board for consistency with the provisions of the Ordinance, budget and planned future

budgets for the Fire Department and Rescue Squad and to the extent such by-laws are consistent and shall approve the same, a copy of which shall be filed with the Town Clerk. Amendments to the by-laws shall be adopted in the same manner, and a copy shall be filed with the Town Clerk.

**Sec. 7-6. Appropriations.**

The Town Board shall appropriate funds for the Department and Squad operations and equipment for the use of the Department or Squad as the Board may deem expedient and necessary to maintain efficiency and to protect life and property within the Town.

**Sec. 7-7. Compensation**

The officers and members of the Department and Squad shall receive such compensation from the Town as may from time to time, be fixed by the Town Board.

**Sec. 7-8. Organization**

(a) FIRE DEPARTMENT AND RESCUE SQUAD LEADERSHIP. The Fire Department and Rescue Squad shall be under the direct supervision of the Chief who shall be appointed by the Town Board. The slate of officers for the Department shall be presented to the Town Board with the specific budgeted amount for each office held, which shall be ratified as part of the budget by the Town Board.

(b) FIRE DEPARTMENT OFFICERS.

(1) Assistant Fire Chief. The Chief shall appoint an Assistant Fire Chief who shall have the duties of Fire Chief when the Chief is absent. In addition, the Assistant Fire Chief shall be the second-in-command of the Fire Department and anyone holding the office of Captain shall report to the Assistant Fire Chief.

(2) Captain. The Chief shall appoint a Captain of the Fire Department who shall be the highest commanding officer below the rank of Assistant Fire Chief. Lieutenants shall report to the Captain.

(3) Lieutenant. The Captain of the Fire Department shall make recommendations to the Chief as to the appointment of a Lieutenant or Lieutenants. It shall be the responsibility of the Chief, after consultation with the Captain of the Fire Department, and the Assistant Fire Chief to appoint a Lieutenant or Lieutenants as deemed appropriate within the budget set by the Town Board.

(4) Members. Members of the Fire Department shall be appointed by the chief upon recommendation of officers, provided such members

meet the standards and qualifications for membership in the Department under the terms of the ordinances and the by-laws of the Department.

(c) RESCUE SQUAD OFFICERS.

(1) Assistant Rescue Chief. The Chief shall appoint an Assistant Rescue Chief, who shall have the rights, duties, and obligations of Chief with regard to rescue squad operations and personnel when the Chief is absent. The Assistant Rescue Chief shall be the highest ranking officer below the rank of Chief. The captain shall report to the Assistant Rescue Chief.

(2) Captain: The Chief shall appoint a Captain of the Rescue squad who shall be the highest ranking officer below the level of Assistant Rescue Chief. Lieutenants in the Rescue Squad shall report to the Captain.

(3) Lieutenant. The Captain of the Rescue Squad shall make recommendations to the Chief as to the appointment of a Lieutenant or Lieutenants. It shall be the responsibility of the Chief, after consultation with the Captain of the Rescue Squad, to appoint a Lieutenant or Lieutenants as deemed appropriate within the budget set by the Town Board.

(4) Members. Members of the Rescue Squad shall be appointed by the Chief upon recommendation of officers, provided such members meet the standards and the qualifications for membership in the Squad under the terms of the ordinances and the by-laws of the Squad.

(d) OTHER OFFICERS.

There shall be a Secretary/Treasurer who shall serve in that capacity for the combined budget of the Fire Department and the Rescue Squad. The Secretary/Treasurer shall be appointed by the Chief on recommendations by the officers of the respective department and squad.

(e) SELECTION OF OFFICERS

(1) Chief. The Chief shall serve as commanding officer of the Fire and Rescue Squad and shall be appointed by and serve at the pleasure of the Town Board. The Town Board, at their direction, may invite a member elected by the Fire Department and Rescue Squad combines, to sit with the Town Board during deliberations to appoint or terminate a Chief, but such individual shall have no vote in the Board's decision.

(2) Advisory Board. The membership of the Fire Department and Rescue Squad combined, by vote of members below the rank of Chief shall elect an advisory board at an annual meeting to be held by the Department and Squad. The Board shall consist of two members of the Fire Department below the rank of Chief. There shall be one other member of the Advisory Board who

shall be a member of the Fire Department below the rank of Chief and shall be appointed by the Town Chairman.

(a) To qualify for election to two of the positions on the Advisory Board, the candidates shall be Fire Department personnel, meeting all the requirements as such personnel. To qualify for election for two of the positions on the Advisory Board, the candidates shall be rescue Squad personnel, meeting all the requirements of such personnel.

(b) The Advisory Board shall have the following duties and functions:

To prepare, organize, and amend by-laws for the efficient operation of the Department and the Squad. All such by-laws shall be submitted to the membership for ratification by a 2/3 majority vote of the members present at the meeting for approval of the by-laws provided a quorum is present, prior to submission to Town Board for review and approval consistent with the ordinances, the budget and planned future budgets of the Town. Such meetings shall be subject to the open meeting laws, Chapter 19 of the Wisconsin Statutes. Also to provide information and advice to the Town Board upon request concerning the operations of the Fire Department and Rescue Squad.

**Sec. 7-9. Powers and Duties of Chief**

(a) GENERAL SUPERVISION. The Chief shall have the general supervision of the Fire Department and Rescue Squad, which supervision shall be subject to and not conflict with this Ordinance and the By-laws of the Fire Department and Rescue Squad. The Chief shall administer compliance with the Ordinances and the By-laws and shall be responsible for the personnel and general efficiency of the Department. Disciplinary action by the Chief shall be subject to Section 8 of this Ordinance.

(b) PRESIDING OFFICER. The Chief or the person designated by the Chief shall preside at all meetings, call special meetings, preserve order and decide all points of order that may arise. Meetings of the Fire Department and Rescue Squad shall be subject to Chapter 19, Subchapter II Public Records and Property, and Subchapter V, Open Meetings of Governmental Bodies, Chapter 19, Wisconsin Statutes.

(c) COMMAND AT INCIDENTS. The Chief shall have complete command of, and entire responsibility for, all fire-fighting, rescue and hazardous materials operations, plan the control of the same, direct the action of the department when it arrives at the incident, observe the action of the Department when it arrives at the incident, observe that the Department does its duty, grant leaves of absence at an incident when deemed proper, and see that the emergency apparatus is kept in proper condition at all times. In the absence of the Chief, the next highest ranking officer of the department at the site shall be in

charge and shall have the same authority and responsibility at incidents as the Chief.

(d) BUDGETS. Not later than October 1 of each year, the Department and Squad shall file with the Town Clerk, on forms approved by the Clerk, a detailed estimate of the appropriations needed for the conduct of the Department and the Squad during the ensuing fiscal year.

(e) REPORTS.

(1) Building Damage. The Chief shall submit a written report to the Building Inspector on all fire calls in which there is damage to buildings. Such report shall advise as to the time, location, nature and extent of damage to buildings.

(2) Annual Fire Report. In addition, the Chief shall prepare a report for the annual Town Meeting, relating to the activities of the Fire Department in the proceeding year.

(3) Annual Rescue Report. The Chief shall prepare a report for the annual Town Meeting relating to the activities of the Rescue Squad in the preceding year.

(f) ENFORCEMENT OF FIRE PREVENTION ORDINANCES. The Chief shall enforce all fire prevention Ordinances of the Town and State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(g) FIRE RECORD. The Chief shall keep records of every fire to which the Department was called and shall enter in such record the locality of the fire, where the fire started, the method of extinguishing and the equipment used, the time the fire was extinguished, the names of the fire fighters responding and any additional general remarks deemed appropriate.

(h) APPARATUS INVENTORY. The Chief shall keep an inventory of all apparatus and equipment, and an inventory of all hose, showing dates and results of tests on each length, which shall be individually numbered. Annually, the Chief shall provide a copy of the inventory records to the Town clerk for insurance purposes. The Chief shall have the right to require all members of the Department to deliver inventory and equipment of the Department for audit at the time of the annual inventory.

(i) ADDITIONAL DUTIES OF COMMANDING OFFICER. The Chief shall perform such other duties as are usually incumbent on the commanding officer of a fire Department.

#### **Sec. 7-10 Disciplinary Review Committee**

(a) Appointed Officers: The appointed officers shall consist of the Chief, Assistant Fire Chief, Assistant Rescue Chief, Captains, and Lieutenants. The

Chief shall be subject to disciplinary review solely by the Town Board or a committee of three (3) persons appointed by the Town Board. Officers other than the Chief shall be disciplined by the Chief.

(b) MEMBERS: Members shall be subject to discipline by a Discipline Review Committee created by this ordinance.

(c) RIGHT OF APPEAL: Assistant Fire Chief, Assistant Rescue Chief, Captains, Lieutenants and members of the Fire Department and Rescue Squad shall have the right to appeal any disciplinary decision made with respect to them. Said right of review shall be to the Town Board or a committee of three (3) persons appointed by the Town Board. Such appeal shall be filed in writing within ten (10) days from receipt of the final written decision of the Disciplinary Review Committee.

### **Sec. 7-11 Control and Care of Apparatus**

(a) CHIEF RESPONSIBLE. The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(b) USE. No apparatus shall be used for any purpose except for emergencies within the Town, or in training therefor, except pursuant to an agreement by the Town Board after the Chief has given his recommendations on such use.

(c) DAMAGE TO EQUIPMENT. No person shall willfully damage any vehicle, apparatus or property belonging to the Fire or Rescue Department. No vehicle shall be driven over any unprotected hose of the Fire Department when laid over a street, private driveway, track or other place to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

### **Sec. 7-12 Authority of Department at Incident**

(a) POLICE POWERS AT INCIDENTS. The Chief, Assistant Fire Chief, Assistant Rescue Chief and the Fire Department Captain as it relates to fires and the Rescue Squad Captain as it relates to Rescue Squad duties, shall have full and complete police authority at incident occurring under their respective jurisdictions. Either of the aforesaid commanding officers may cause the arrest of any person who violates an ordinance, or state law adopted by these ordinances with regard to Fire Protection and Rescue Services.

(b) CONTROL AT INCIDENTS. The Fire Chief may prescribe certain limits in the vicinity of any incident within which no person, except emergency personnel and those admitted by order of any officer of the Department, may come. The Chief may cause the removal of any property whenever it becomes necessary for the preservation of such property, or to prevent the spread of fire, or to protect the adjoining property; and during the progress of any incident, may

order the removal or destruction of any property necessary to prevent the further spread of fire or hazard that may exist. The Chief may also cause the removal of all wires or other facilities, and the turning off of all electricity or other services where the same impede the work of the Department during the progress of an incident.

(c) **ENTERING PREMISES.** Any fire-fighter acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of, any building or other property then on fire, to extinguish such fire; and if any person hinders, resists or obstructs a fire-fighter in the discharge of his duty as herein provided, the person so offending shall be guilty of resisting a fire-fighter in the discharge of his duties.

(d) **DUTIES OF BYSTANDERS.** Every person who is present at an incident shall be subject to the orders of the Fire Chief or officer in command, and may be required to assist in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person who refuses to obey such order.

### **Sec. 7-13 Fire Inspectors**

(a) **FIRE CHIEF TO BE FIRE INSPECTOR.** The Fire Chief shall hold the office of Fire Inspector and may appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

(b) **DUTY OF INSPECTION.** The Fire Inspector shall inspect semi-annually all public and commercial buildings, premises and thoroughfares within the Town to note and cause to be corrected, any condition liable to cause fires. Repairs or alterations necessary to remove hazardous conditions shall be made within a reasonable time at the Owner's expense. The inspector shall also investigate the storage and handling of explosives and flammable liquids within the Town.

(c) **SPECIAL INSPECTION WARRANT.** If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the Fire Inspector shall obtain a special inspection warrant under Sec. 66.122 and 66. 123, Wis. Stats.

(d) **RECORD AND REPORTS OF INSPECTIONS.** The Fire Inspector shall keep a written record of each property inspected, which shall conform to the requirements of the State Department of Industry, Labor and Human Relations and shall make the quarterly report of inspections required by such Department.

(e) **CORRECTION OF FIRE HAZARDS.** When any inspection by the Fire Inspector or the Deputy Inspector, reveals a fire hazard, the Inspector or Deputy Inspector may serve a notice in writing upon the owner of the property, giving such owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance; and the Fire

Inspector may have the same removed by the Town. The cost of such removal shall be recovered in an action by the Town against the owner of the property and may be entered in the tax roll as a special charge against the property.

(f) **COMPLIANCE WITH FIRE INSPECTOR.** No person shall deny the Fire Inspector or Deputy Inspector, free access to make fire inspections to any property within the Town at any reasonable time. No person shall hinder or obstruct the Fire Inspector in the performance of duty, or refuse to observe any lawful direction given by the Fire Inspector.

**Sec. 7-14 Fire inspection, prevention, and detection.**

(a) **WISCONSIN STATUTE ADOPTED.** Section 101.14 of the Wisconsin Statutes is hereby adopted, as same may from time to time be amended, and is made a part hereof as if set forth in full.

(b) **WISCONSIN ADMINISTRATIVE CODE ADOPTED.** Chapter Comm 14-Fire Prevention Section of the Wisconsin Administrative Code is hereby adopted in its present form or from time to time as amended, and is made a part of this ordinance incorporated by reference as if fully set forth herein.

(c) **CORRECTIVE ORDERS.** Whenever the Fire Chief shall find a violation or a condition which must be corrected to bring the premises or the structure, into compliance with the Fire Code, an order shall be issued to the owner, agent or manager thereof, setting forth the nature of the violation and the time in which it shall be corrected. In the event the Fire Chief shall find an extreme or hazardous condition which must, for the protection of the public, be corrected or removed immediately, the Fire Chief shall have the authority to take such steps as may be necessary to protect the public and property, including closing and vacating of a building, structure or premises. The Fire Chief shall also have authority to take such steps as may be necessary, including obtaining appropriate court orders to enforce any order of the Chief correcting a hazardous or potential fire condition.

(d) **OPEN BURNING PROHIBITED-APPROVAL REQUIRED.**

(1) No person shall kindle or maintain any bonfire, brush fire, burn off grass, hay, open fields, or crop residue (such as straw, corn stalks, bean stalks) construction materials or other waste, rubbish or residue, without first obtaining a written permit issued by the Fire Chief.

(2) A person applying for permission to burn may contact the Fire Department in person or by telephone, state the location of the premises in which the fire is to take place, the type of material to be burned, the person to be in charge of the burning, and what steps are taken to prevent the fire from spreading to other areas or buildings. The Fire Chief or his designee may visit the site and impose conditions or restrictions as to the burning activity if deemed appropriate. If the activity presents a danger to the health and safety of the

community, permission may be denied. Any denial must be in writing stating the reasons. Denial is appealable to the Administrative Appeals Board.

(3) There shall be no fee for issuing approval for burning.

(4) No person shall set any fire on any Town street, road, County Trunk Highway, State roadway, any alleyway or any other public lands, unless approval is obtained from the Fire Chief and the Chairperson of the Town Board.

(5) This section shall not apply to leaves, plant clippings, or lawn residue grown or produced on the owners land commencing on the 15th day of April and continuing through the 15th day of May, and from the 15th day of October through the 30th day of November. This exception shall apply only to leaves, plant clippings, or lawn residue grown or produced on the particular land where burning is permitted by this Section and shall not apply to leaves, plant clippings, or lawn residue which shall originate from any other land or source regardless of ownership.

(6) It shall be unlawful for any person to transport any waste, refuse or other combustible materials from lands owned in or operated in the Town of Paris, or any other lands outside to any lands within the Town of Paris for the purpose of burning, except licensed and registered landfills which meet DNR and EPA requirements, and who has entered into a specific agreement with the Town of Paris and the County of Kenosha.

(e) DOMESTIC BURNING ACCEPTED. Except as may be limited or prohibited by State Statute or Department of Industry, Labor and Human Relations Administrative Code, this section shall not apply to domestic burning of household refuse and debris, provided that such burning is done in a non-combustible receptacle and with an appropriate screen cover and consists of waste created at the property where it is burned.

(f) RAZING A BUILDING IN FIRE DEPARTMENT EXERCISE. From time to time, the Town of Paris Fire Department may determine that is in the best interest for the health, safety and welfare of the community for the firefighters to have experience in dealing with a burning building. To that end the Fire Department may enter into an agreement with a building owner, and raze the building as part of an exercise for the firefighters in the department. The owner must indemnify and agree to defend the Town of Paris, all officers, employees, agents and all volunteer firefighters from and against any claims for negligence or damage in connection with the destruction of the premises. The owner must enter into a contract with the town, approved by the town attorney, for the purpose of protecting the Town of Paris, the Fire Department and all aforesaid persons from and against any liability to the owner, their agents, heirs and assigns. A fee shall be charged which shall include among other things, the obtaining of title information to establish ownership and to ensure there are no

parties with security interest and for such other purposes as determined by the town board from time to time.

The Town of Paris Fire Department shall have the authority to determine the time and place depending on weather conditions including but not limited to wind, and any such fire shall be commenced only upon approval of the Fire Department, regardless of any agreement entered into between the town and the owner(s). It shall be the duty of the owner to deal with and remove any hazardous or flammable materials, any materials that may cause caustic or poisonous smoke and it shall be the subsequent duty of the owner to remove any in-ground systems including closing any well, cistern or septic system.

(f) **ABSOLUTE PROHIBITION UNDER CERTAIN CONDITION.** Whenever the Town Board, upon recommendation of the Fire Chief, deems it imprudent to set fires for any purpose, including domestic burning, upon any land within the Town, the Town Board shall cause a notice to be posted in five (5) or more public places, which notices shall be those prepared by the Department of Natural Resources, and, further, shall place such notice in the Kenosha News, a newspaper of general circulation within the Town, which order shall forbid the setting of fires within the Town. After said notice, no person may set any fire upon any land in the Town, except for warming the person or cooking food until the fire prohibition shall be lifted by the Fire Chief This prohibition may include outside grills used for the preparation of food.

(g) **FIRE WORKS PROHIBITED.** The use, possession and sale of fireworks within the Town is prohibited unless the Town Chairperson, after approval of the Fire Chief, shall issue a permit as set forth in Section 167.10(2) Wis. Stats. As used in this section of this Ordinance, the term “fireworks” includes the definitions set forth in Section 167.10(1), Wis. Stats., including subsections (1), (e), (f), (g), (j), (k), (l), (m) and (n),

**Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by a minor shall be liable for all damage caused by the minor use of fireworks. Liability for all damages not inconsistent with Wisconsin Statutes caused by the minor’s use of fireworks; however, not inconsistent with the Wisconsin Statutes as to parental liability.

**Sec. 7-15 Hazardous Material**

(a) **PROHIBITED DISCHARGES.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town of Paris, except those areas specifically licensed for waste disposal activities and to receive such materials. Any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above nuclear regulatory restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public

nuisance, or any solid, liquid or gas having a deleterious effect on the environment.

(b) **CONTAINMENT. CLEANUP AND RESTORATION.** Any person, firm or corporation in violation of the above section shall, upon direction of any emergency government officer, the Chief of the Paris Fire Department, or his designee, begin immediate actions to contain, cleanup and remove to an approved repository, the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply, or to complete the requirements of this section, the Office of emergency Government may order the required actions to be taken by public or private resources, and allow the recovery of any and all costs incurred by the Town of Paris as hereafter set forth in Subsection (3).

(c) **EMERGENCY SERVICES RESPONSE.** Emergency Services Response includes, but is not limited to fire services, emergency medical services and such law enforcement services as deemed appropriate while carrying out fire services and emergency medical services.

(1) A person, firm or corporation who possesses or controls a hazardous substance which is discharged, or who causes the discharge of a hazardous substance, shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Ordinance.

(2) Actual and necessary expenses may include, but not are not limited to; replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance of response personnel as required by the responding agencies medical advisor.

(d) **SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected, will be provided to emergency government officers and staff, and to Town of Paris Fire Department personnel, for the purpose of evaluating the threat to the public, and monitoring containment, cleanup and restoration activities.

(e) **PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public, at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his assistant, or the Chief, or any officer of the Paris Fire Department on the scene of the emergency, may order an evacuation of the

area, or take other appropriate steps for a period of time until the Town board and Director of Emergency Government can take appropriate action.

**Sec. 7-16. False Alarms**

(a) FALSE ALARMS. A false alarm is an act by a person with the intent to summon the Paris Fire Department or Rescue Squad service when no incident requiring their response has occurred. False alarm does not include the summoning of Fire or Rescue Services by the inadvertent or improper transmission of an alarm control system.

(b) FIRE ALARM CONTROL SYSTEMS. Any person who owns, operates or controls a mechanical or electrical device which, upon being activated transmits a signal for the purpose of obtaining a response by the Paris Fire and/or Rescue Department shall be responsible for proper installation, maintenance and testing of said alarm system to prevent subsequent false notification of the Department.

(c) COSTS TO BE ASSESSED.

(1) Any person who shall cause a false alarm to be given shall be responsible to the Town of Paris for all costs resulting from such false alarm. The Chief shall prepare a statement of charges and present it to the Town Board with recommendations as to the action to be taken. The Town Board is authorized to take such action as they deem appropriate.

(2) Inadvertent summoning of the Fire or Rescue Department as a result of a mechanical or electrical device which improperly transmits a fire or rescue warning and, which occurs more than once in a year is deemed by this ordinance a nuisance, and the Chief shall make such recommendations to the Town Board for any action he deems appropriate. The Town Board, in their discretion, is authorized to act.

**Sec. 7-17 Enforcement, Action, and Penalties**

(a) Injunction and Mandamus Actions. The Town Chairperson or the Fire Department is authorized under this ordinance to initiate any injunction or mandamus to stop or compel such action as deemed necessary to obtain compliance with these ordinances.

(b) Violators to Pay Costs. Any person who shall violate a provision of the ordinance for which the court grants an injunction or the court compels by mandamus to comply with said ordinances shall be responsible for the reasonable costs, disbursements and attorney fees of the Town of Paris in obtaining compliance with the terms of this ordinance.

(c) Penalties. Unless specifically enumerated otherwise any person who shall be convicted of a violation of Section 11 e. and f., Section 12, Section 13, Section 14 and Section 15 shall be fined not less than Twenty-five Dollars (\$25.00) per day nor more than Five-hundred Dollars (\$500.00) per day for each

day of violation. Failure to pay said fine may result in incarceration up to but, not exceeding six months.

(d) False Alarms. A person convicted of a violation of 14 a. under the provisions of this ordinance shall be fined not less than Two-hundred fifty Dollars (\$250.00) nor more than Five-hundred Dollars (\$500.00) for each violation. This provision is exclusive of any costs assessed which are provided by the ordinance. Failure to pay said fine may result in incarceration up to, but not exceeding six months.

(e) Report to the District Attorney. The Fire Chief shall report all responses suspected to be intentional false alarms to the Kenosha District Attorney's office for such action that the District Attorney deems appropriate.

**Sec. 7-18 Rescue Squad Fees Established**

The Town Board may establish by resolution from time to time a fee schedule for providing ambulance and emergency services. In addition, the Town may require an assignment of insurance benefits to be provided by any party receiving services from the rescue squad.

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 8--HEALTH AND SANITATION**

**\*Cross references:** Animals, ch. 4; buildings and building regulations, ch. 5; mobile/manufactured homes, ch. 9; public nuisances affecting health, et seq.; Paris Ordinance April 1, 1994.

**ARTICLE I. IN GENERAL**

**Sec. 8-1      Penalty for Violation of Chapter**

**ARTICLE II. NUISANCE TYPE BUSINESSES**

**Sec. 8-2      Definitions**

**Sec. 8-3      Permit Required**

**Sec. 8-4      Authority of Article Provisions**

**ARTICLE 3. SOLID WASTE AND RECYCLING**

**Sec. 8-5      Guidelines**

**Sec. 8-6      Drop Off Site**

**Sec. 8-7      Businesses**

## **ARTICLE I. IN GENERAL**

### **Sec. 8-1. Penalty for violation of chapter.**

Any person who shall be found guilty of violation of any of the provisions of this chapter, except as otherwise provided, shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00, together with the costs of prosecution and, in default of the payment of such forfeiture, shall be imprisoned in the county jail until such forfeiture and all costs, including subsequent costs, have been paid, but not for a period exceeding 30 days.

## **ARTICLE II. NUISANCE-TYPE BUSINESSES\***

**\*Cross references:** Businesses, ch.6; public nuisances, ch. 11.

### **Sec. 8-2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Business which has a tendency to create a public nuisance* means one which, unless properly regulated, may create conditions creating a public nuisance, as defined in section 11-2.

**Cross references:** Definitions generally, § 1-2.

### **Sec. 8-3. Permit required.**

No person shall conduct within the town any business which has a tendency to create a public nuisance, except upon a permit issued by the town board and subject to such conditions as the board may impose.

### **Sec. 8-4. Authority of article provisions.**

This article is enacted pursuant to Wis. Stats. § 66.0415.

## **ARTICLE III. SOLID WASTE AND RECYCLING**

### **Sec. 8-5. Guidelines.**

The Town of Paris herein adopts and incorporates by reference, the requirements of Chapter 287, Wis. Stats. as if fully stated herein.

### **Sec. 8-6. Drop off site.**

The town residents are allowed to haul their waste materials generated on property in the Town of Paris to the Paris drop off site located on the property of Waste Management which use is restricted pursuant to an agreement between the Town of Paris and Waste Management. All town residents using the drop off site must comply with the requirements set forth by Waste Management of

Wisconsin, Inc. in an agreement or future agreements negotiated between Waste Management and the Town of Paris.

**Sec. 8-7. Businesses.**

All businesses within the town are required to contract with a hauler to collect solid waste and recyclables. The recyclables to be separated and collected are defined in Wis. Stats. § 287.07(3)(4).

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 9--MOBILE/MANUFACTURED HOMES**

**\*Cross references:** Buildings and building regulations, ch. 5; health and sanitation, ch. 8; Paris Ordinance April 4, 1972.

- Sec. 9-1       Statutes Adopted by Reference**
- Sec. 9-2       Parking Outside Licensed Mobile Home Parks**
- Sec. 9-3       Park License**
- Sec. 9-4       Additions to the Parks**
- Sec. 9-5       Parking Permit Fees for Non-Exempt Mobile Homes**
- Sec. 9-6       Mobile Home Parks Prohibited in the Town of Paris**

### **Sec. 9-1. Statutes Adopted by Reference.**

The provisions of Wis. Stats. § 66.0435 and the definitions therein are adopted by reference in this section.

### **Sec. 9-2. Parking outside licensed mobile home parks.**

(a) *Restricted.* No occupied mobile home shall be permitted to be located in the town unless the mobile home is in a licensed mobile home park, except those mobile homes occupied outside of a mobile home park on the effective date of the ordinance from which this section is derived.

(b) *Exception.* Subsection (a) of this section is not intended to restrict the location of one- and two-family manufactured homes which meet the applicable one- and two-family standards set forth in Wis. Stats. ch. 101, and the requirements of chapter 70 of this Code.

### **Sec. 9-3. Park license.**

(a) *Required.* No person shall establish or operate upon property owned or controlled by him within the town a mobile home park without having first secured a license therefor from the clerk. All applicants must comply with section 70-195 regarding location, layout, improvements and management.

(b) *Fee.* The mobile home park license fee shall be \$100.00 per year for 50 units or a fraction thereof. The transfer fee shall be \$10.00.

### **Sec. 9-4. Additions to the parks.**

Licensees of mobile home parks shall furnish information to the clerk and assessor on such homes added to their park within five days after their arrival on forms furnished by the clerk.

### **Sec. 9-5. Parking permit fees for nonexempt mobile homes.**

There is imposed on each occupied nonexempt mobile home located in the town a parking permit fee, such amount to be determined in accordance with Wis. Stats. § 66.0435(3)(c). The fees shall be paid to the treasurer on or before the tenth day of the month following the month for which they are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Wis. Stats. chs. 70 and 74.

**Sec. 9-6. Mobile Home Park Prohibited in Town.**

Due to the lack of available sewer and water within the Town of Paris and the needs for such facilities for mobile home parks, the town herein prohibits the location of mobile home parks within the boundaries of the town.

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 10--OFFENSES AND MISCELLANEOUS PROVISIONS**

**ARTICLE I. IN GENERAL**

- Sec. 10-1 Offenses Against State Laws Subject to Forfeiture**
- Sec. 10-2 Penalties for Violation of Chapter**
- Sec. 10-3 Open Cisterns, Wells, Basements, or Other Dangerous Excavations**
- Sec. 10-4 Abandoned or Unattended Iceboxes or Other Airtight Containers**
- Sec. 10-5 Damage to Town Property**
- Sec. 10-6 Graffiti**
- Sec. 10-7 Littering**
- Sec. 10-8 Loud and Unnecessary Noise**
- Sec. 10-9 Loitering**

**ARTICLE II. FIREARMS**

- Sec. 10-10 Penalties for Violation of Article**
- Sec. 10-11 Definitions**
- Sec. 10-12 Use of Weapons Regulated**
- Sec. 10-13 Throwing or Shooting of Arrows, Stones, and Other Missiles**

**ARTICLE III. SMOKING**

- Sec. 10-14 Use of Cigarettes and Other Tobacco Products in Town Owned Buildings**

**ARTICLE IV. CONSUMPTION OF ALCOHOL IN PUBLIC**

- Sec. 10-15 Definitions**
- Sec. 10-16 Prohibited Conduct**
- Sec. 10-17 Prohibited Conduct Outside Licensed Premises**
- Sec. 10-18 Exemptions to Article Provisions**

**ARTICLE V. SEXUAL OFFENDER RESIDENCE RESTRICTIONS**

- Sec. 10-19 Findings and Intent**
- Sec. 10-20 Definitions**
- Sec. 10-21 Sexual Offender and Sexual Predator Resident Prohibitions And Exceptions**
- Sec. 10-22 Property Owners Prohibited From Renting Real Property to Certain Sexual Offenders and Sexual Predators**
- Sec. 10-23 Severability**
- Sec. 10-24 Penalties**

## **ARTICLE I. IN GENERAL**

### **Sec. 10-1. Offenses against state laws subject to forfeiture.**

The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the town, provided that the penalty for the commission of such offenses shall be limited to a forfeiture imposed under section 1-5.

Wis. Stats. § 144.42(2), Pollution by motor vehicle/failure to repair.

Wis. Stats. § 167.10, Fireworks.

Wis. Stats. § 175.25, Illegal storage of junked vehicles.

Wis. Stats. § 254.76, Careless smoking.

Wis. Stats. § 346.935, Drinking in motor vehicles on highway.

Wis. Stats. § ch. 905, Privileges.

Wis. Stats. § 939.05, Aiding and abetting.

Wis. Stats. § 939.22, Words and phrases defined.

Wis. Stats. § 940.19(1), Battery.

Wis. Stats. § 940.32, Stalking.

Wis. Stats. § 940.34, Duty to aid victim.

Wis. Stats. § 941.01, Negligent operation of vehicle.

Wis. Stats. § 941.10, Negligent handling of burning materials.

Wis. Stats. § 941.12(2), (3), Interfering with or failing to assist in firefighting.

Wis. Stats. § 941.13, False alarms.

Wis. Stats. § 941.20, Reckless use of weapon.

Wis. Stats. § 941.21, Disarming a police officer.

Wis. Stats. § 941.23, Carrying concealed weapon.

Wis. Stats. § 941.235, Carrying firearms in public buildings.

Wis. Stats. § 941.237, Possession of handguns in taverns.

Wis. Stats. § 941.24, Possession of switchblade knife.

Wis. Stats. § 941.327, Tampering with household products.

Wis. Stats. § 941.37, Obstructing emergency vehicles prohibited.

Wis. Stats. § 943.01(1), Criminal damage to property.

Wis. Stats. § 943.06, Molotov cocktails.

Wis. Stats. § 943.13, Trespass to land.

Wis. Stats. § 943.14, Criminal trespass to dwellings.

Wis. Stats. § 943.15, Entry onto a construction site.

Wis. Stats. § 943.20, Theft (less than \$1,000.00).

Wis. Stats. § 943.23(4m), Carjacking.

Wis. Stats. § 943.24, Issue of worthless checks (not over \$1,000.00).

Wis. Stats. § 943.50, Shoplifting (not over \$1,000.00).

Wis. Stats. § 944.20, Lewd and lascivious behavior.

Wis. Stats. § 944.21(5)(a), (b), Lewd, obscene or indecent matter, pictures and performances.

Wis. Stats. § 944.23, Making lewd, obscene or indecent drawings.

Wis. Stats. § 944.30, Prostitution.

Wis. Stats. § 944.31, Patronizing prostitutes.

Wis. Stats. § 944.33(1), Pandering.

Wis. Stats. § 945.01, Definitions relating to gambling.

Wis. Stats. § 945.02, Gambling.

Wis. Stats. § 946.41(1), Resisting or obstructing officer.

Wis. Stats. § 946.42(2), Escape.

Wis. Stats. § 946.70(1), Personating peace officer.

Wis. Stats. § 946.72(2), Tampering with public records and notices.

Wis. Stats. § 947.031, Harassment prohibited.

Wis. Stats. § 947.06, Unlawful assemblies.

Wis. Stats. § 951.01--16, Crimes against animals.

Wis. Stats. § 961.573(2), Possession of paraphernalia.

Wis. Stats. § 961.574(2), Manufacture of paraphernalia.

Wis. Stats. § 961.575(2), Delivery of paraphernalia to a minor

**Sec. 10-2. Penalties for violation of chapter.**

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-5. In addition to any penalty imposed for violation of Wis. Stats. § 943.01(1), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates Wis. Stats. § 943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with Wis. Stats. § 895.35.

**Sec. 10-3. Open cisterns, wells, basements or other dangerous excavations.**

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the cover cannot be removed by small children.

**Sec. 10-4. Abandoned or unattended iceboxes or other airtight containers.**

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such icebox, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

**Sec. 10-5. Damage to town property.**

No person shall intentionally cause damage to any physical property of the town.

**Sec. 10-6. Graffiti.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Graffiti* means any writings, drawings, inscriptions, figures or marks of paint, ink, dye, chalk or other similar substances on public or private buildings, structures or places that are not expressly authorized by the property owner or occupant or that are not otherwise permitted by law. For the purposes of this section, graffiti includes any form of writings, drawings, inscriptions, figures or marks, regardless of their content or the nature of materials used in their placement.

(b) *Declared a nuisance.* Graffiti is specifically declared to be a public nuisance, as defined in section 11-2.

(c) *Prohibited acts.* No person shall write, spray, scratch or otherwise affix graffiti upon any property, whether private or public, without the consent of the owner of such property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for removing or covering such graffiti in addition to any forfeiture imposed for violating this section. The parents of any unemancipated minor child who affixed graffiti may be held liable for the cost of removing or covering such graffiti in accordance with Wis. Stats. § 895.035. This subsection shall not be construed to prohibit the placement on public or private streets, sidewalks or other paved surfaces of temporary and easily removable chalk or other water soluble markings incident to lawful youth activities or other lawful business or activity.

(d) *Notification of town.* Every owner or occupant of a structure or property defaced by graffiti shall notify the constable of the graffiti before removing or covering such graffiti.

(e) *Removal by owner.*

(1) Every owner of a structure or property defaced by graffiti shall comply with the terms of a written notice served upon him by the town to remove or cover such graffiti within ten days.

(2) If any owner fails to comply with the notice mentioned in subsection (d) of this section within ten days, the town shall have the graffiti covered or removed and all costs, fees and expenses shall be charged to the real estate taxes pursuant to Wis. Stats. § 66.0627.

### **Sec. 10-7. Littering.**

No other person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the town or upon any private property or into or upon any body of water or stream within the town. Any person found guilty of violating this section shall be subject to a forfeiture of not more than \$200.00, plus the cost of prosecution and cleanup. Each day a violation continues shall constitute a separate violation.

**Sec. 10-8. Loud and unnecessary noise.**

(a) *Generally.* No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street or park or any private residence.

(b) *Public address systems and amplifiers.* No person shall use or operate any PA system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood.

**Sec. 10-9. Loitering.**

(a) *Prowling.* No person shall loiter or prowl in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(b) *Obstruction of highway.* No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(c) *Obstruction of traffic.* No person shall loaf or loiter in groups or crowds upon the public highways, streets, sidewalks or bridges or in any other public place within the town in such manner as to prevent, interfere with or obstruct the ordinary free use of such public highways, streets, sidewalks, and bridges or other public places by persons passing along and over the same.

(d) *After being requested to move.* No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any police officer or by any person in authority at such places.

(e) *In or on school property.* No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in or on any school property within the town.

## **ARTICLE II. FIREARMS**

**\*State law references:** Local regulation of firearms generally, Wis. Stats. § 66.0409.

### **Sec. 10-10. Penalties for violation of article.**

Any person who shall be found guilty of violating any of the terms and provisions of this article shall be punished by a forfeiture of not less than \$10.00, nor more than \$200.00, together with the cost of prosecution and, in the event of nonpayment of such forfeiture and such costs, shall be imprisoned in the county jail until such forfeiture and such costs, together with subsequent costs, shall be paid, but not for a period greater than ten days.

### **Sec. 10-11. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Firearm* means a weapon which expels a missile by the explosive force of gunpowder, compressed air or compressed gas.

*Other dangerous weapon* means bow and arrow, crossbow, slingshot, blow gun and other similar weapons.

**Cross references:** Definitions generally, § 1-2.

### **Sec. 10-12. Use of weapons regulated.**

(a) It shall be unlawful for any person to discharge any firearm or other dangerous weapon within the boundaries of the town in a careless and heedless manner and in willful and wanton disregard for the rights and safety of others, or without the due caution or in a manner so as to endanger or be likely to endanger property or any person.

(b) It shall be unlawful for any person other than a police officer in the performance of his official duties to use or discharge a firearm or other dangerous weapon:

(1) Within 500 feet of a building devoted to human occupancy without the permission of the owner or occupant. The term "building," as used in this subsection, shall not include a house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.

(2) Within a distance of 200 feet from the centerline of any highway or road surfaced with concrete or blacktop.

**Sec. 10-13. Throwing or shooting of arrows, stones and other missiles.**

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, highway, park, playground or other public place within the town.

**ARTICLE III. SMOKING**

**Sec. 10-14. Use of cigarettes and tobacco products in town-owned buildings.**

(a) *Smoking defined.* Smoking means the combustion of any cigar, cigarette, pipe or other similar article using any form of tobacco or any other lighted smoking equipment.

(b) *Regulation of smoking.* No person may smoke indoors at any time in any town-owned building.

(c) *Posting of prohibitory signs.* Except where other signs are required by law, wherever in this section smoking is prohibited, conspicuous signs shall be posted so stating in places in order to give notice to the general public.

**ARTICLE IV. CONSUMPTION OF ALCOHOL IN PUBLIC**

\***Cross references:** Paris Ordinance, April 10, 1995

**Sec. 10-15. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Licensed premises* means the area within a building or structure which is licensed pursuant to chapter 6, but not including parking lots, sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines.

*Public parking lot* means any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned unless such area is specifically identified as part of the licensed premises.

*Public property* means any property, including buildings or structures thereon, which is owned, leased or operated by the town or the school district; public sidewalks; roadways and streets; playgrounds; and parks.

**Sec. 10-16. Prohibited conduct.**

No person shall consume any fermented malt beverage or intoxicating liquor in or upon any public property or public parking lot.

**Sec. 10-17. Prohibited conduct outside licensed premises.**

No person who has purchased fermented malt beverages or intoxicating liquor from any licensed premises shall consume such beverages or liquor outside of, but within the property boundary lines of, such premises.

**Sec. 10-18. Exceptions to article provisions.**

(a) The prohibitions in sections 10-16 and 10-17 shall not apply to those events or activities which are otherwise permitted or licensed pursuant to chapter 6.

(b) The prohibitions in sections 10-16 and 10-17 shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of Wis. Stats. § 346.93.

**V. SEXUAL OFFENDER RESIDENCY RESTRICTIONS**

**Sec. 10-19 Findings and Intent.**

(1) **Findings.** Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children, including their own, either male or female relatives or strangers are a threat to the moral standards of society. These people are deemed to be physically, morally, psychologically and socially dangerous by society's standards. The aforementioned sexual offenders are extremely likely to use physical violence and to repeat their offenses; and, most sexual offenders commit many offenses, have many more victims than are reported, and as a result are prosecuted for only a fraction of their crimes. This makes the effects of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(2) **Intent.** It is the intent of this Ordinance not to impose a criminal penalty, but rather to service the Town of Paris' compelling interest to promote, protect and improve the health, safety and welfare of all residents of the Town of Paris by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators could feel enticed, intimidated or lose self-control to relapse to a mental state as before being treated or incarcerated. Repeat sexual offenders, sexual offenders who use violence and sexual predators will be prohibited from establishing temporary or permanent residency in

close proximity to known locations within the Town where children regularly congregate.

### **Sec. 10-20 Definitions**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

- (1) "Child" means a person under the age of sixteen (16) years for purposes of this ordinance.
- (2) "Designated Offender" means any person who is required to register under Section 301.45 and 301.46, Wisconsin Statutes, for any sexual misconduct or violation as a result of being a repeat sexual offender, sexual offender who has used physical violence in committing an offense or who has preyed upon children.
- (3) "Minor" means a person under the age of seventeen (17) years.
- (4) "Permanent Residence" means a place where the Designated Offender lodges or resides for fourteen (14) or more consecutive days.
- (5) "Temporary Residence" means either: (a) a place where the person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or, (b) a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's Permanent Residence.
- (6) "Prohibited Location" means any school, licensed daycare center, unlicensed care facility where three (3) or more children that may be related by heredity, park, trail, playground, place of worship, or any other place designated by the Town as a place where children are known to congregate.

### **Sec. 10-21 Sexual Offender and Sexual Predator Residence; Prohibitions and Exceptions.**

#### **(1) Prohibited Location of Residence.**

- (a) It is unlawful for any Designated Offender not placed pursuant to Department of Corrections (DOC) guidelines (whereby Designated Offenders are returned to their home

community) to establish a Permanent Residence or Temporary Residence within six thousand five hundred (6,500') feet of a Prohibited Location.

(b) It is unlawful for any Designated Offender placed in compliance with Department of Corrections (DOC) guidelines (whereby Designated Offenders are returned to their home community) to establish a Permanent Residence or Temporary Residence within five hundred (500') feet of a Prohibited Location.

(c) No Designated Offenders shall establish a Permanent Residence or Temporary Residence within a six thousand five hundred (6,500') foot radius of an existing Permanent Residence or Temporary Residence of another Designated Offender.

(2) **Notification.** A Designated Offender must notify the Town Clerk/Treasurer in writing a minimum of three (3) days prior to establishing either a Permanent Residence or Temporary Residence within the Town of Paris on a form provided by the Town.

(3) **Prohibited Activity.** It is unlawful for any Designated Offender to participate in a holiday event involving children under eighteen (18) years of age. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this section. "Participation" is defined as actively taking part in the event and shall include, but is not limited to, distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter.

(4) **Determination of Minimum Distance Separation.** For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the Permanent Residence or Temporary Residence of a Designated Offender to the nearest outer property line of a Prohibited Location.

(5) **Exceptions.** A Designated Offender residing within a Prohibited Location as described in Section 10-20 shall not be in violation of this ordinance if any of the following apply:

(a) The Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes, before the effective date of this Ordinance.

- (b) The Designated Offender is a minor and is not required to register under Sections 301.45 and 301.46, Wisconsin Statutes.
- (c) The Prohibited Location situated within six thousand five hundred (6,500') feet of the person's Permanent Residence was opened or established after the Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes.
- (d) The residence is also the primary residence of the Designated Offenders parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the Designated Offender established residence at the location.

**Sec. 10-22 Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators**

It shall be unlawful for any property owner to lease or rent any place, room, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person prohibited from establishing a Permanent Residence or Temporary Residence therein pursuant to this ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a Prohibited Location zone as defined in Section 10-20. Notwithstanding the exception set forth in Section 10-21(5)(a), it shall be unlawful for a property owner to renew a leasehold interest established prior to the effective date of this Ordinance, whether the leasehold interest is on a month-to-month basis or for a definite term, for a period beyond six (6) months from the effective date of this Ordinance.

**Sec. 10-23 Severability.**

Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a Whole, or any part thereof, other than the part so declared to be invalid or repealed.

**Sec. 10-24 Penalties.**

Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each day such violation continues shall be considered a separate offense.

(Amended 9/10/08)

**TOWN OF PARIS CODE OF ORDINANCES  
CHAPTER 11--PUBLIC NUISANCES**

**State law references:** Public nuisances generally, Wis. Stats. § 823.01 et seq.

**ARTICLE I. IN GENERAL**

- Sec. 11-1 Penalty for Violation of Chapter**
- Sec. 11-2 Definitions**
- Sec. 11-3 Prohibited Generally**
- Sec. 11-4 Abatement**

**ARTICLE II. PUBLIC NUISANCES AFFECTING HEALTH**

- Sec. 11-5 Enumeration**

**ARTICLE III. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY**

- Sec. 11-6 Enumeration**

**ARTICLE IV. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

- Sec. 11-7 Enumeration**

**ARTICLE V. JUNK, JUNKED VEHICLES, AND GARAGE OR RUMMAGE SALES**

- Sec. 11-8 Definitions**
- Sec. 11-9 Penalty for Violation of Article**
- Sec. 11-10 Public Nuisances Declared**
- Sec. 11-11 Storage of Vehicles**
- Sec. 11-12 Storage of Junk**
- Sec. 11-13 Rummage or Garage Sales**
- Sec. 11-14 Issuance of Citation; Action to Abate**

## **ARTICLE I. IN GENERAL**

### **Sec. 11-1. Penalty for violation of chapter.**

In addition to the penalties provided in this chapter, any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in section 1-5.

### **Sec. 11-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Public nuisance* means a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (2) In any way render the public insecure in life or in the use of property.
- (3) Greatly offend the public morals or decency.
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

### **Sec. 11-3. Prohibited generally.**

No person shall erect, contrive, cause, continue, maintain or permit any public nuisance within the town.

### **Sec. 11-4. Abatement.**

(a) *Enforcement.* It shall be the duty of the town, the fire chief and the building inspector to enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does, in fact, exist.

(b) *By court action.* If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the

nuisance, and the owner of the property shall remove the nuisance within ten days. If such nuisance is not removed within ten days, he shall report such fact to the town chair, who may direct the town attorney to commence an action in circuit court for the abatement of the nuisance.

(c) *Other methods not excluded.* Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the town or its officials in accordance with law, nor as prohibiting an action to be commenced in the circuit court seeking a forfeiture as provided in section 11-1.

(d) *Cost.* In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the town 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, such cost shall be assessed against the real estate as a special charge.

## **ARTICLE II. PUBLIC NUISANCES AFFECTING HEALTH**

**\*Cross references:** Health and sanitation, ch. 8.

### **Sec. 11-5. Enumeration.**

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of section 11-2:

(1) *Adulterated food.* All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) *Unburied carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) *Breeding places for vermin.* Accumulations 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) *Stagnant water.* All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) *Privy vaults and garbage cans.* Privy vaults and garbage cans which are not flytight.

(6) *Animals.* All animals running at large.

(7) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the town limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

(8) *Noxious weeds.* All noxious weeds within the town, as defined in Wis. Stats. § 66.0407. In addition, all growth of vegetation which becomes a potential hazard to vehicular traffic in vision clearance triangles shall be cut by the owner or occupant of the property.

(9) *Water pollution.* The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(10) *Noxious odors.* Any use of property, substances or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.

(11) *Highway pollution.* Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any highway, street, gutter, sidewalk or public place within the town.

(12) *Noise.* Loud noise or noise that is offensive either by the volume of the sound or the repetitiveness of the noise or both, at any time of day or night, and is disturbing to one of ordinary sensitivity.

### **ARTICLE III. PUBLIC NUISANCES AFFECTING MORALS AND DECENCY**

#### **Sec. 11-6. Enumeration.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of section 11-2:

(1) *Disorderly houses.* All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, gambling, possession, sale of contraband, illegal drugs, or use of illegal drugs.

- (2) *Gambling devices.* All gambling devices and slot machines.
- (3) *Unlicensed sale of liquor and beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by chapter 6.
- (4) *Continuous violation of town ordinances.* Any place or premises within the town where ordinances or laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) *Illegal drinking.* Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of laws or this Code.

#### **ARTICLE IV. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

##### **Sec. 11-7. Enumeration.**

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of section 11-2:

- (1) *Signs, billboards and similar structures.* All signs and billboards, awnings and other similar structures over or near highways, streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (2) *Illegal buildings.* All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the town.
- (3) *Unauthorized traffic signs.* All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any device, sign or signal.
- (4) *Obstruction of intersections.* All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (5) *Tree limbs.* All limbs of trees which project over and less than ten feet above any public sidewalk or less than 13 1/2 feet above a highway or other public place.

(6) *Dangerous trees.* All trees in platted areas which are injurious to public health or safety because of a diseased or damaged condition; and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.

(7) *Dilapidated buildings.* All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(8) *Wires and cables over highway.* All wires and cables over highways, alleys or public grounds which are strung less than 18 feet above the surface thereof.

(9) *Howling animals.* No person shall own, keep, harbor or have in his possession any animal within the town which, by frequent or habitual howling, yelping, crowing, barking or other disturbing noise, individually or together offend the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. For purposes of a violation under this subsection, when the person alleged to have violated this subsection owns, keeps, harbors or has in his possession more than one animal of the type causing the disturbance, it is not required to identify the particular animal causing the disturbance. Each day that such disturbance continues or occurs gives rise to a separate offense.

(10) *Unlawful assembly.* Any unauthorized or unlawful use of property abutting on a public highway or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the highways or sidewalks.

(11) *Refrigerators.* All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

(12) *Open pits, basements, wells and excavations.* All open and unguarded pits, wells, excavations and basements.

(13) *Exotic or Wild Animals.* Wild or exotic animals who present a potential danger, create fear, are disturbing to the peace of the community or are a danger to the health, safety, or serenity of the community.

## **ARTICLE V. JUNK, JUNKED VEHICLES AND GARAGE OR RUMMAGE SALES**

### **Sec. 11-8. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Disassembled, inoperable, junked, damaged or wrecked motor vehicles, recreational vehicles, mobile homes, truck bodies, tractors, trailers* means motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

*Junk* means worn-out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, tools, discarded building materials, or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or town property values, health, safety or general welfare.

*Garage or Rummage Sale* is a sale on one's property of a miscellaneous collection of items, originally used on the property, including but not limited to clothing, children's items, appliances, furniture, electronics and various other household items or personal effects.

*Motor vehicle* means as defined in Wis. Stats. § 340.01(35).

*Unlicensed motor vehicles, truck bodies, tractors or trailers* means motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

*Mobile Homes or recreational vehicles* in such state of physical or mechanical ruin.

**Cross references:** Definitions generally, § 1-2.

### **Sec. 11-9. Penalty for violation of article.**

Any person who shall be adjudicated to have violated any of the provisions of this article shall be subject to a forfeiture not to exceed \$50.00, plus the costs of such prosecution, and upon default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ten days. Each day that a violation of this article continues shall be deemed a separate offense.

### **Sec. 11-10. Public nuisances declared.**

The following are declared to be public nuisances wherever they may be found within the town:

- (1) Any motor vehicle, truck body, tractor or trailer, mobile home or recreational vehicle as enumerated in section and 11-8.
- (2) Any junk as set forth in section 11-8.
- (3) A rummage or garage sale as set forth in section 11-8.

**Sec. 11-11. Storage of vehicles.**

(a) No person shall accumulate, store or allow any disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, or trailers in the open upon any property within the town for a period exceeding ten days unless it is in connection with an automotive sales, repair or storage business enterprise located in a properly zoned area, or a junkyard licensed under division 2 of article VI of chapter 5.

(b) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed 30 days, after which such vehicles must be removed.

**Sec. 11-12. Storage of junk.**

No person, except a junk dealer licensed under division 2 of article VI of chapter 6, shall accumulate, store or allow any junk outside of any building on any real estate located in the town.

**Sec. 11-13. Rummage or garage sales.**

Rummage or garage sales may be held for a period not to exceed three continuous days. Such sales shall not take place more than two times in a twelve (12) month period. Sale items must include items of property previously used on the property. A violation of any condition of this ordinance shall be considered a public nuisance as defined in section 11-2. In addition, action to abate such nuisance may be commenced as provided in section 11-4(b).

**Sec. 11-14. Issuance of citation; action to abate.**

Whenever the town shall find any such vehicle or junk accumulated, stored or remaining in the open upon any property within the town contrary to the provisions of section 11-8 he shall notify the owner of such property on which such vehicle or junk is located of the violation of this article. If such vehicle or junk is not removed within ten days, the town shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle or junk is located. In addition, action to abate such nuisance may be commenced, as provided in section 11-4(b).

**TOWN OF PARIS CODE OF ORDINANCES**  
**CHAPTER 12--STREETS AND OTHER PUBLIC PLACES**

**\*Cross references:** Any ordinance lighting of streets and alleys saved from repeal, § 1-8(a)(6); any ordinance naming and changing of names of streets, alleys, public grounds and parks saved from repeal, § 1-8(a)(7); buildings and building regulations, ch. 5; moving buildings, mobile/manufactured homes, ch. 9; consumption of alcohol in public, ch. 3.

**State law references:** Public works generally, Wis. Stats. § 60.50 et seq.

**ARTICLE I. IN GENERAL**

- Sec. 12-1 Obstructions and Encroachment**
- Sec. 12-2 Street Grades**
- Sec. 12-3 Depositing Snow on Town Highways**
- Sec. 12-4 Street Address Numbering Required**
- Sec. 12-5 Search for Government Markers**

**ARTICLE II. DRIVEWAYS AND CULVERTS**

**Division I. Generally**

- Sec. 12-6 Construction Regulations**
- Sec. 12-7 Culvert Installation**
- Sec. 12-8 Defective or Inadequate Culverts**
- Sec. 12-9 Digger Hotline Notification; Restoration**
- Sec. 12-10 Driveway Installation Required Prior to Construction**
- Sec. 12-11 State Statute Requirements**

**Division 2. Permit**

- Sec. 12-12 Required**
- Sec. 12-13 Application; Fee**
- Sec. 12-14 Issuance**

## **ARTICLE I. IN GENERAL**

### **Sec. 12-1. Obstructions and encroachments.**

(a) *Prohibited generally.* No person shall encroach upon or in any way obstruct or encumber any street or public grounds of land dedicated to public use or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection (b) of this section.

(b) *Exceptions.* The prohibition of subsection (a) of this section shall not apply to the following:

(1) Signs and clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the or street.

(2) Awnings which do not extend below any point seven feet above the street.

(3) Public utility encroachments authorized by the town.

(4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided that such goods, wares, etc., do not remain thereon for more than three hours.

(5) Building materials when placed upon the street upon conditions prescribed by the building inspector. He may require such materials to be protected by barricades or appropriate lights.

### **Sec. 12-2. Street grades.**

(a) *Establishment.* The grade of all streets shall be established and described by the town board and shall be recorded by the clerk in his office. No street or sidewalk shall be worked until the grade thereof is established.

(b) *Altering grade.* No person shall alter the grade of any street or public ground, or any part thereof, unless authorized or instructed to do so by the town board.

### **Sec. 12-3. Depositing snow on town highways.**

(a) *Prohibited.* It shall be unlawful for any person to plow, shovel or otherwise deposit or place snow on the maintained portion of any public road within the town, or to permit such depositing of snow from property occupied by him.

(b) *Enforcement.* Violations of this section may be enforced against either or both the owner and occupant of the property from which the snow was removed or the property adjacent to the highway where the snow is found.

**Sec. 12-4. Street address numbering required.**

Any residence or place of business intended for human occupancy shall be identified by a street address number assigned by the County in accordance with the following requirements and standards:

(1) *Placement.* The street address number shall be permanently attached to a sign or post installed at a place clearly visible from the traveled portion of the road not less than six to not more than ten feet from the property/right-of-way line and not less than ten to not more than 15 feet from the edge of the main entrance or driveway serving the property. For corner lots, such numbers shall be located along the street to which the main entrance or driveway is oriented. For properties having multiple driveways or entrances separated by a distance greater than 250 feet, a separate street number shall be permanently installed at each driveway or entrance. In the circumstance of a significantly reduced street yard setback (less than 50 feet), the street address number shall be permanently attached to the side of the garage or house that faces the street and is clearly visible from the traveled portion of the road.

**Sec. 12-5. Search for government markers.**

(a) *Permit required.* No person shall, in a search for any government marker or section stone, cut into or remove any portion of a town road without first obtaining a permit from the clerk. Such permit shall set forth the exact location of any digging to be done and the length of time such permit is valid.

(b) *Permit fee.* The permit fee shall be set by the town board from time to time for each digging and shall be used by the town to defray the cost of restoration and repair of the town roads to their original condition.

(c) *Hold town harmless.* The permit holder shall erect the proper safeguards, such as caution signs, lights, barricades, etc., at the locations as set forth on the permit, which shall remain in place for a period of 48 hours after completion of work by the permit holder, or until the town has repaired the road. In addition, the permit holder shall carry liability insurance in an amount satisfactory to the town attorney to hold the town harmless for any highway defects or negligence resulting from such search.

(d) *Notification of completion of work.* The permit holder shall notify the clerk of completion of work, and the town shall, within 48 hours, make any and all necessary repairs.

**ARTICLE II. DRIVEWAYS, CULVERTS AND TOWN ROAD RIGHT OF WAY  
DIVISION 1. GENERALLY**

**Sec. 12-6. Construction regulations.**

The location and size of all proposed driveways shall comply with all applicable provisions of this Code. In addition, driveways shall be subject to the following regulations:

- (1) Driveway approaches located on town highway rights-of-way may be constructed of gravel, asphalt or concrete.
- (2) Driveway grades shall have a pitch of one-half inch per foot away from the roadway to the center of ditch flow line.
- (3) If a driveway is constructed in violation of subsection (2) of this section, the building inspector may order the property owner to remove and replace the driveway at the owner's expense. If the property owner fails or neglects to remove the driveway in 30 days, the town will remove the driveway and bill the property owner. If the bill is not paid within 30 days, the charges will be placed on the tax roll pursuant to Wis. Stats. § 66.0627.

**Sec. 12-7. Culvert installation.**

All culverts shall comply with town standards established from time to time by the town board and shall be located and set at a grade as directed by the building inspector. No work shall commence until the building inspector has approved the location and established the grade. Any culvert which is not installed in accordance with this section shall be ordered by the building inspector to be removed and reinstalled in accordance with the requirements of this article.

**Sec. 12-8. Defective or inadequate culverts.**

The building inspector shall order the abutting property owner to replace any existing defective or inadequate culvert at the cost of the property owner. If the property owner fails or neglects to replace the culvert within 30 days, the town will replace the culvert and bill the property owner. If the bill is not paid within 30 days, the charges shall be placed on the tax roll pursuant to Wis. Stats. § 66.0627.

**Sec. 12-9. Digger hotline notification; restoration.**

The applicant shall, prior to culvert installation, arrange through diggers hotline for the location of underground utilities in the area of the proposed driveway and shall be responsible for the restoration of the highway right-of-way after installation of the culvert.

**Sec. 12-10. Driveway installation required prior to construction.**

No person shall commence any construction project until a culvert and a gravel or stone driveway has been installed in such a manner as to prevent mud from being tracked onto a town highway from a construction site.

**Sec. 12-11. State Statute Requirements**

It shall be unlawful for any person to do any excavation, construction, or construct a town road or right of way without a permit from the town board obtained from the building inspector. Any such roadway activity shall require proper barricades and lighting for safety in accordance with State Statute requirements.

**DIVISION 2. PERMIT**

**Sec. 12-12. Required.**

No person shall install a drainage culvert in any town road, street or driveway or any town road right-of-way without first obtaining a permit from the Board.

**Sec. 12-13. Application; fee.**

Application for a culvert shall be made by the owner of the premises and shall be filed with the Town Clerk who shall refer the application to the Building Inspector. Said application shall contain information setting forth the owner, a description of the premises and the roadway, together with an agreement of the conditions under which the culvert may be installed. The fee shall be \$40.00.

**Sec. 12-14. Issuance.**

Before granting a permit, the Building Inspector shall make an inspection of the site and establish a grade, the size and length of the culvert to be installed and determine such other work conditions as shall be necessary at the site in order to provide for proper drainage.