

### **8.01 TITLE**

This ordinance is entitled the "Public Works Ordinance."

### **8.02 AUTHORITY**

The Town Board has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Sec. 60.10 (1991-1992) Wis. Stats., to regulate, control, prevent, and enforce against in the Town certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town.

### **8.03 ADOPTION OF ORDINANCE**

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulations, controls, and enforcement against certain uses, activities, businesses, and operations by persons that may affect the public works and infrastructure in the Town.

### **8.04 GENERAL PROVISIONS**

(1) The Town roads in the Town of Randall shall be designed and constructed to meet the minimum road and bridge standards established in Chapter 86, (1991-1992) Wis. Stats.

(2) No person shall cause, allow or permit any person to obstruct or excavate beyond the lot line of that person's land or within any public highway, road, street or alley in the Town without a permit issued by the Town Board or its designee. The persons applying for the permit shall comply fully with Sec. 66.045 and Chapter 86, (1991-1992) Wis. Stats., and this ordinance. No permit shall be issued or re-issued by the Town Board unless the person agrees to and fully complies with Sec. 66.045 and Chapter 86, (1991-1992) Wis. Stats., and this ordinance. The Town Board or its designee shall inspect the premises prior to issuance or re-issuance of the permit. The Town designates the Town Board as the highway authority to establish any rules and regulations regarding the conditions for the permit and compliance with the permit.

(3) No persons shall cause, allow or permit any person to fail to immediately remove fallen trees from any public highway, road, street or alley in the Town where these trees originated from property owned or leased by that person.

(4) No person shall cause, allow or permit any person to throw, deposit or discharge any weeds, sod, brush, manure or other waste or rubbish on any public highways, roads, streets, or alleys in the Town. No person shall cause, allow, or permit any persons to draw, paint, print, or paste on any culvert, bridge, or guard rail on any public highway, roadway, street, or alley in the Town.

(5) No person shall cause, allow or permit any person to transport any solid waste, hazardous waste or any other type of waste to any solid waste disposal site or facility licensed under Sec. 144.44, (1991-1992) Wis. Stats., on any Town roads in the Town except for those Town roads the Town Board has designated which provides reasonable access to the site or facility. The Town Board, prior to construction on any solid waste disposal site or facility shall designate the Town roads which will provide access to the site or facility. Upon designation, by ordinance, no other Town roads in the Town may be used by any person for transporting any waste to and from the site or facility.

(6) No person shall cause, allow or permit any person to alter the grade of any public highway, road, street or alley in the Town without written approval by the Town Board.

(7) No person shall cause, allow or permit any person to plant any tree or cut any tree on the public highways, roadways, streets, or alleys in the Town without a permit from the Town Board. No permit shall be issued or re-issued by the Town Board to plant any tree if the planting and location of the tree will substantially impair, now or in the future, the public safety of persons in the Town. No permit will be issued or re-issued by the Town Board to cut any tree if the cutting and removal of the tree, with the safety precautions to be taken, as described by the applicant or permittee, will still substantially impair, now or in the future, the public safety of persons in the Town or if the cutting and removal of the tree will substantially destroy the aesthetic beauty in the Town.

(8) No person shall cause, allow or permit any person to lay water mains or dig between curbs on any public highway, road, street, or alley in the Town for the purpose of laying service lines or making extensions unless that person is a licensed plumber licensed in the State of Wisconsin.

### 8.05 ACCEPTANCE OF SUBDIVISIONS, NEW ROADS AND HIGHWAYS REGULATED

(1) No plat of any subdivision or certified survey map shall be accepted by the Town pursuant to Chapter 236, (1991-1992) Wis. Stats., and the Subdivision Control Ordinance of Kenosha County, Wisconsin, effective September 21, 1971, including any amendments thereto, unless such plat or certified survey map shall provide that all roads and highways shown thereon shall be at least sixty six (66) feet (four [4] rods) in width.

(2) No new road or highway not a part of a subdivision and not existing prior to November 12, 1973, shall be accepted by the Town as a Town road, unless such road is sixty six (66) feet (four [4] rods) in width.

(3) Prior to the acceptance of the subdivision plat or certified survey map as described in Sub. (1) above and prior to the acceptance of a road as a Town road as described in Sub. (2) above, the subdivider, owner or petitioner, as the case may be, shall enter into a contract with the Town, agreeing that the roads and highways contemplated shall be constructed at the expense of the subdivider, owner or petitioner in strict accordance with the provisions contained in the Kenosha County Subdivision Control Ordinance pertaining to streets and other access ways, as well as the following minimum requirements:

(a) The right-of-way allowance for all such roads shall be a minimum of sixty six (66) feet (four [4] rods) in width.

(b) The subdivider, owner or petitioner desiring acceptance of a Town road shall submit proper legal descriptions of all such roads to the Town Board, proof of ownership, together with profiles and cross-sectional drawings indicating the approval of the Town Board that the roads will be constructed in accordance with the requirements as provided by this section. Upon approval of the lines and grades of the proposed roads by the Town Board, the roads shall be constructed to a permanent line and grade to accommodate all future street improvements.

(c) The center of the roadbed is to be the center of the land dedicated for highway purposes. There shall be a minimum of forty (40) feet in width from the bottom of the center ditch lines on each side of the road. The road sub-grade bed shall consist of at least thirty two (32) feet in width and shall be surfaced with at least eight (8) inches of gravel after compaction. The drainage ditches on each side of the road shall have at least a two (2) feet slope for every foot of depth. Top soil, sod and vegetation shall be stripped and removed from the roadway section to a depth of eight (8) inches

before placing gravel. Soft, mucky soil, peaty materials and similar unsuitable materials shall be removed to a depth of eighteen (18) inches below sub-grade and then replaced with sound fill materials. If additional gravel is required before final acceptance because of improper placement, grading, compacting, or settling, the same shall be furnished and installed to the satisfaction of the Town Board. The surface of the road or highway shall be a minimum of four (4) inches of bituminous blacktop and not less than twenty two (22) feet in width. There shall be a two (2) foot gravel shoulder on each side of the road or highway at the same grade as the finished grade of the surface coat.

(d) Inspections are required by the Town Board or its designee at the below mentioned times. The Town Board shall be notified at least two (2) days in advance to inspect the site.

1. Upon completion of the initial grading operations and prior to the placement of any gravel.

2. Upon completion of the placement and compaction of the gravel and prior to the application of bituminous blacktop.

3. Upon completion of the bituminous blacktop and prior to the completion of any shouldering work.

4. Upon completion of the shouldering and the ditch line and prior to a time lapsing of fourteen (14) days.

5. Final inspection and approval of the completed roads will not be given until fourteen (14) days after surface course has been inspected to allow for compaction and settling.

(e) On dead-end roads, a turnaround or cul-de-sac of not less than one hundred and fifty (150) feet in diameter shall be provided, which shall be graded, sloped and surfaced in the same manner as required for roads.

(f) Street signs shall be obtained by the Town and placed by the Town and the cost of same shall be paid for by the Town. Guard rails, where necessary or required, shall be placed along the roadway at such locations as are ordered by the Town Board and the cost paid by the subdivider, owner or petitioner.

(g) Whenever the contours of the land make it necessary that drainage or surface waters be carried across any road, lane, highway or other public way, a culvert approved as to size and length by the Town Board shall be installed by and at the expense of the subdivider, owner or petitioner.

(h) The Town Board, as a condition precedent to the acceptance of the subdivision or a certified survey map and roads, may require the subdivider, owner or petitioner to file a performance bond with the Town Clerk guaranteeing compliance with the terms and conditions of the contract specified in Sub. (3) above.

(i) No road or highway shall be accepted by the Town as a Town road, unless the road or highway meets the specifications set forth in the Wisconsin Department of Transportation standards of specifications on road and bridge construction, except where specifically modified by this chapter.

(j) No road or highway shall be accepted by the Town as a Town road between November 1<sup>st</sup> and April 1<sup>st</sup> of any given year.

(k) The Town Board by passage of this ordinance sets the minimum rating for any Town road per Chapter 86.26, (1991-1992) Wis. Stats., as an Annual Average 24-hour Traffic (ADT) of 251 to 400 ADT.

#### **8.06 ACCEPTANCE OF OLD ROADS AND HIGHWAYS REGULATED**

(1) No road or highway existing at the time of the passage of this chapter and whether or not such road is part of or is located within a recorded or unrecorded subdivision or platted area shall be accepted by the Town as a Town road or laid out as such in accordance with the applicable Wisconsin statutes, unless the road is forty nine and one half (49 ½) feet (three [3] rods) in width.

(2) Prior to the acceptance of a road as a Town road under this section, the owner or petitioner, as the case may be, shall enter into a contract with the Town, whereby he shall agree to comply with all the requirements in Section 8.05(3)(c) of this chapter, with the following exceptions:

(a) The right-of-way allowance for all such roads shall be a minimum of forty nine and one half (49 ½) feet (three [3] rods) in width.

(b) There shall be a minimum of thirty six (36) feet in width from the bottom of the center ditch lines on each side of the road.

#### **8.07 FINAL ACCEPTANCE**

No road as above defined in either Section 8.05 or Section 8.06 shall be accepted or laid out by the Town, unless the subdivider, owner or petitioner, at his own expense, shall furnish the Town Board with a legal description of all the roads, proof of ownership, together with a deed granting title to such land to the Town for highway purposes. Such deed shall contain all accurate legal descriptions of the roadway affected and shall be executed in recordable form. All the provisions of this section shall be strictly complied with before any road shall become part of the Town Highway system.

#### **8.08 HIGHWAY OPENINGS REGULATED**

(1) **Prohibited Acts**

No person shall do any of the following without a permit from the Town Clerk:

(a) Erect, construct, place, or maintain or cause to be erected, constructed, placed, or maintained any telephone, telegraph or electric light pole or poles or any scaffold, platform, bay window, sign or canopy, wood, or glass awning, any extension of a building or any rope, wire, or chain within or over any road, alley, sidewalk, or other public ground.

(b) Injure or tear up any pavement, sidewalk, crosswalk, drain, or sewer or any part thereof, or dig any hole, ditch or drain in any road, pavement, alley, or other public ground.

(c) Place or cause to be placed any stones, timber, lumber, planks, boards or other materials for building or hoisting machines, or other machinery used for building purposes, in or upon any road, alley, sidewalk or public ground.

No permit shall authorize the obstruction of more than one third (1/3) of the road opposite the premises for which the permit is granted.

(2) **Applications**

Every person applying for a written permit shall present his or her application in writing to the Town Building Inspector. Such application shall be signed by the applicant or his or her authorized agent, shall state his or her name and place of residence, the purpose of work for which the permit is desired, the period of time at which the work is to begin and be completed, and the location. Such application shall also contain an agreement on his or her part that in case a permit is granted, he or she will conform to and comply with all the rules and regulations of the Town and County of Kenosha pertaining to the work or purpose for which the permit is asked, and that he or she will keep and save the Town and County free and harmless from any damages or claims against it by reason of any failure, fault or neglect of himself or herself, his or her agents, servants or employees in the execution of the work or the exercise of the privilege for which the permit is granted. The applicant shall further agree to execute and file with the Town Clerk such bond as may be required.

(3) **Deposit Required**

Before any permit for any excavation in any road, sidewalk, alley or public ground shall be granted, the applicant shall deposit with the Town Clerk a mechanic's compliance bond in the amount of not less than two thousand (\$2,000) dollars to insure proper replacement of the pavement or other surface after completion of the work.

**8.09 BERM DESIGN AND CONSTRUCTION**

*(Recreated 11/1/2001)*

(1) **Purpose**

The land forms and landscape will be preserved in their natural state, insofar as practicable, by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas. No berm shall be constructed which results in a rate of storm and surface water runoff from the parcel upon which the berm is constructed, either during construction or after completion of the construction of the berm, which is greater than the rate of runoff therefrom onto adjoining parcels which existed prior to the commencement of construction of the berm.

(2) **Definition**

For purposes of this ordinance, any grading, regrading, deposit or other accumulation of earth or dirt or soil or sand or gravel or loam or topsoil or stone or rock or other earth or

earth product, or any similar material, or any combination of the above with any other material, which raises the elevation of existing topography eighteen (18) inches or more for the purpose of or which has the effect of acting as a barrier, screen or vision shield, with or without the addition of vegetation planted thereon, shall be considered a berm.

(3) **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 a Permit, consistent with the provisions of subsection (4) below. No berm shall be constructed which exceeds six (6) feet in height. For purposes of this subsection, the berm shall be measured from the toe to the top, taking existing topography into consideration.

Prior to commencement of construction, the applicant or his agent or representative shall provide topographic elevations demonstrating existing topography. The burden of demonstrating pre-construction topographic elevations shall be on the party seeking to construct the berm.

In no case shall the toe of a berm be located closer than five (5) feet to any property line and in every case the berm shall be designed and shall operate such that storm and surface water shall be retained on the berm parcel to the extent necessary to assure that the rate of storm and surface water runoff from such real estate, both during construction and after completion of construction of the berm, shall not be greater than the rate of runoff therefrom onto adjoining parcels which existed prior to commencement of berm construction.

(4) **Permit Required**

(a) No owner, lessee, occupier of land, contractor or any agent or representative of any of the foregoing shall construct a berm without first obtaining a Permit from the Town Board of the Town of Randall.

(b) Any person desiring to procure a Permit as provided herein, shall file with the Town Clerk a written application, which shall include: the name and signature of the applicant; the address of the applicant; the age and date of birth of the applicant; the business and residential telephone number of the applicant, if any; a full, accurate and correct description and location of the proposed berm; a description of the reason(s) for the berm; a description of the nature and use of property adjacent/adjoining to the proposed location of the berm, including the addresses, names and telephone numbers of

the property owners adjacent/adjoining to the proposed location of the berm.

(c) Upon filing of the application, the Town Clerk shall transmit copies of the application to the Town Plan Commission for its review, consideration and recommendation to the Town Board. The Plan Commission, or its agent, shall inspect the premises of the proposed berm. The Plan Commission shall hold a public hearing upon the application. Notice of the public hearing shall be mailed to the applicant and all adjacent/adjoining property owners. The Town Plan Commission shall consider all relevant information before either recommending the application to the Town Board, or denying the application.

(d) The Town Board, or its agent, shall inspect the premises of the proposed berm. The Town Board, after receiving the Town Plan Commission's recommendation and after considering all relevant information, may either: deny the application; approve the application and grant a Permit without conditions; approve the application and grant a Permit with conditions; or table the action and request additional information prior to making a final decision.

(e) The Permit, if granted by the Town Board, shall be effective only to/for the premises described in the application. The fee for the Permit, if granted, shall be five hundred dollars (\$500.00) and is non-refundable. The Permit fee may be waived by the Town Board.

(5) **Pre-existing Berms**

This ordinance does not apply to a berm in existence prior to the effective date of this ordinance.

(6) **Penalty**

Any person who shall violate this ordinance shall be subject to the penalties as provided in Town of Randall Ordinance 8.13.

Each violation and each day that the violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town of Randall from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance by injunction or other legal means.

(7) **Validity**

Should any subsection, clause or provision of this ordinance be declared by a court to be invalid, same should not affect the validity of the ordinance as a whole or any part thereof, other than that part so declared to be invalid.

**8.10 DRIVEWAYS AND CULVERTS**

(1) **Definitions**

For the purpose of this section, driveway shall mean a private road, drive or roadway giving access from a public way, road or highway to abutting grounds.

(2) **Application and Permit** *(Recreated May 1996)*

No driveway or culvert shall be constructed, installed or replaced adjacent to or within the limits of a Town road right-of-way without first filing an application with the Town Building Inspector and receiving a permit therefore. Before a permit will be issued, the Building Inspector shall approve the location and construction of the driveway. The Building Inspector may direct and order grading, soil stabilization measures, or the installation and construction of any culvert necessary for proper drainage as a condition for issuing the permit. In addition, the following conditions shall be complied with:

(a) When and as herein designated, work of the type indicated may be installed and maintained on the road right-of-way, all features to provide for the drainage, safety, and maximum use of the highway will meet the following:

1. \_\_\_\_\_(\_\_\_\_\_) inch diameter corrugated metal culvert pipe, as per Section 520 of the "State Specifications," with the appropriate size steel apron end walls, complying with Sections 520 and 521 of the "State Specifications," should be installed at the ends of all culverts.

2. At a distance of ten (10) feet from the edge of the bituminous pavement, the finished grade of the driveway shall be at least five (5) inches below the grade of the edge of the adjacent highway and five (5) feet from the property line. The finished surface of the driveway shall be constructed of asphalt for a distance of at least seven (7) feet from the edge of the bituminous pavement. This subsection shall only apply to

driveways which are installed, altered, changed, replaced, or extended after July 1, 1996.

3. No driveway may be constructed within a five (5) foot area adjacent to the property line, excluding the highway access property line.

4. The installation shall be made without danger to or interference with traffic using the County/Town highway.

5. All driveway surfaces and filling immediately adjacent to the traveled way shall, unless specifically authorized above, slope away from the edge of the traveled way.

6. The top width of the entrance shall be well defined and shall not exceed thirty (30) feet midway between the edge of the roadbed and the right-of-way line; provided, however, that fillets of five (5) feet radius to facilitate on and off movements may be provided at the junction of the entrance with the highway roadbed.

7. Road surfaces, slopes, shoulders, ditches and vegetation disturbed shall be restored.

8. The applicant is to obtain the culvert after the size has been determined by the Town Board or its designee.

9. The installation work may be done by the Kenosha County Highway Department or a private contractor hired by the permit applicant approved by the Town Board or its designee.

10. The work shall be carried out in a manner satisfactory to the Town Building Inspector as to compliance with the conditions of this permit.

11. The applicant shall indicate a date by which the work shall be completed.

12. Driveways adjacent to or within the limits of a county road or highway shall require a county driveway permit.

(3) **Notification**

Any person intending to install a driveway or culvert shall first notify the Building Inspector forty-eight (48)

hours prior to the driveway or culvert installation so that the same may be inspected.

(4) **Permit Fee**

There shall be a fee of twenty dollars (\$20.00) paid to the Building Inspector at the time of making the application for the permit in subsection (2) above.

**8.11 PUBLIC SITES AND OPEN SPACES**

In order that adequate open spaces and sites for public uses may be properly located and preserved as the Town develops and in order that the cost of providing the park and recreation sites and facilities necessary to serve the additional families brought into the Town by subdivision development may be most equitable, apportioned on the basis of the additional need created by the individual subdivision development, the following provisions are established:

(1) **Reservation of Potential Sites**

(a) In the design of any plat submitted for Town approval, consideration shall be given to the adequate provision for and correlation with the public sites or open areas.

(b) Where it is determined by the Town Board that a portion of any plat submitted for Town approval is required for such public sites or open spaces, the subdivider may be required to reserve such area for a period not to exceed five (5) years, after which the Town shall either accept dedication of the area reserved or release the reservation.

(2) **Dedication of Sites**

(a) Within the corporate limits of the Town, where feasible and compatible with the comprehensive plan for development of the community, upon request of the Town Board, the subdivider shall provide and dedicate to the public, adequate land to provide for the park and recreation needs of the subdivision.

(b) The amount of land to be provided shall be determined on the basis of an amount of land equal in value to five hundred dollars (\$500.00) per residential lot created by the subdivision or two and one half percent (2 ½%) of the land value, whichever is higher. The value of the land to be dedicated shall be determined by the Kenosha Count Assessor on the basis of full and fair market value of the subdivided land. If the

subdivider/owner is not satisfied with the appraisal, he/she may appeal the determination, in which case the appraisal board consisting of one appraiser selected by the Town at its own expense, one appraiser selected by the subdivider/owner at his/her expense and a third selected by the two other appraisers at Town expense, shall determine the value.

(3) **Proportionate Payment in Lieu of Dedication**

(a) If the Town Board, after consultation with the Town Planning Commission, determines that such dedication is not feasible or compatible with the comprehensive plan for the Town, the subdivider owner shall, in lieu thereof, pay to the Town a fee equivalent to the value of the required dedication. Such fee shall be used exclusively for immediate and future park or recreation area site acquisition or capitol improvement and development.

(b) Payment shall be made in a lump sum of one hundred percent (100%) at time of plat approval. The required payment shall be made before the certification of approval may be affixed to the final plat.

(c) Where the division results in the creation of not more than one additional parcel or lot, payment shall be required only for the additional parcel.

(d) Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.

**8.11.01 IMPACT FEES FOR FIRE PROTECTION FACILITIES**

*(Created 9/25/2003)*

(1) **Intent and Authority**

(a) This ordinance imposes impact fees in order to regulate the effect of development on public facilities, and to finance public facilities, the demand for which is generated by development in the Town.

(b) Impact Fees shall be imposed for fire protection facilities.

(c) This ordinance is authorized under Wisconsin Statutes §66.0617.

(2) **Definitions**

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

(a) "Building permit" shall mean any permit required for new construction and additions pursuant to the Town of Randall. The term "building permit", as used herein, shall not be deemed to include residential building permits required for remodeling, rehabilitation, or other improvements to an existing structure, or rebuilding a damaged or destroyed structure, provided no increase in the number of dwelling units results there from.

(b) "Capital budget" shall mean a plan for capital expenditures, including commitments, to be incurred during the budget year.

(c) "Capital improvement program" (CIP) shall mean a plan for public facilities capital expenditures over a period of time.

(d) "Costs" shall mean the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities. Costs do not include other non-capital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

(e) "Development" shall mean the construction or modification of improvements to real property that creates additional residential dwelling units within a political subdivision or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a political subdivision as defined in Section 66.0617(1)(d) of the Wisconsin Statutes.

(f) "Impact Fee" shall mean a fee imposed on new development and certain changes to existing development to be collected and used for the provision of public facilities. An "impact fee" as used herein, shall mean a fee to be collected at the time a building permit is issued and calculated based upon the costs of facilities in proportion to development creating the need for such facilities.

(g) "Mixed Use Development" shall mean local use of land involving both residential and nonresidential development.

(h) "Non-Residential Development" shall mean any local use of land for primarily industrial or commercial purposes, or which does not fall within the definition of residential development.

(i) "Public Facilities or Public Facilities Project" shall mean any or all of the following, which are necessary to support and are attributable to development and are identified to be financed with the imposition of impact fees: Fire Protection Facilities. The costs of such public facilities shall include acquisition of land, construction, improvements, equipping, and installing of same and all other work auxiliary thereto, including administrative, engineering, architectural, and legal work performed in connection with a public facilities project.

(j) "Residential Development" shall mean the local use of land for the primary purpose of housing accommodations.

(k) "Town" shall mean the Town of Randall.

(3) **Penalty**

Except as otherwise provided, any person who shall violate any provision of this ordinance shall be subject to a penalty as provided in Section 25.04 of this code of ordinances. In addition to or in lieu of any civil or criminal prosecution, the Town of Randall shall have the power to sue in civil court to enforce the provisions of this ordinance.

(4) **Imposition of Impact Fees**

(a) Impact Fees for Fire Protection Facilities

1. Impact fees for fire protection facilities are hereby imposed upon all development within the Town of Randall. The amounts of fees imposed are set forth below in Section (5) of this ordinance.

2. Any residential property with expansion, remodeling, rehabilitating, or rebuilding that results in the creation of additional dwelling units shall be subject to impact fees.

3. Any commercial or industrial property with expansion, remodeling, rehabilitating, or

rebuilding that results in the creation of additional square footage of usable building area shall be subject to impact fees.

(b) Except as required by Wisconsin Statutes §66.0617, the impact fees imposed under this chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the Town on the development of land or the issuance of building permits.

(5) **Impact Fee Schedules**

(a) Fire Protection Facilities Impact Fees

1. Residential Development - fee per residential unit

	<b>Fee Amount</b>
Single-Family Unit	\$1,034

2. Commercial/Industrial Development - fee per square foot of building area

	<b>Fee Amount</b>
Commercial and Industrial Development	\$.05

(b) Annual Increase. The fees contained above in Subsection (a) of this section will automatically increase on January 1 of each year at the rate of 4.0%, in order to approximate the cost of money for financing the fire facilities projects. Any downward adjustment to the above stated percentage of 4.0% shall require a majority vote of the Town Board.

(6) **Payment and Refunds**

(a) Payment of fee. The fee payer shall pay all impact fees required by this ordinance to the Town Clerk prior to issuance of a building permit.

(b) Separate fund account required. All funds collected shall be properly identified and promptly transferred for deposit in the appropriate impact fee fund to be held in a separate account as identified in Section (7) below and used solely for the purposes specified in this ordinance.

(c) Refund. Any funds not expended or encumbered by the end of the calendar quarter immediately following twenty years from the date impact fees were paid shall be refunded upon application of the then current landowner, provided that the landowner submits an application for a refund to the Town Clerk within 180 days of the expiration of the twenty-year period.

(7) **Fund Established**

(a) There is hereby established a separate impact fee fund. All impact fees collected shall be deposited into a segregated interest bearing account. A separate accounting shall be maintained for impact fees for fire protection facilities.

(b) Funds withdrawn from these accounts must be used in accordance with the provisions of Section (8) below.

(8) **Use of Funds**

(a) Funds collected from impact fees shall be used solely for the purpose of making capital improvements for facilities identified in the "Facilities Needs Assessment and Impact Fee Study" for fire protection facilities and shall not be used for operation or maintenance expenses.

(b) If bonds or similar debt instruments are issued for advanced provision of capital facilities for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described above in Subsection (a) of this section.

(c) At least once each fiscal period the Town Clerk shall present to the Town Board a proposed capital improvement program for fire protection facilities. This capital improvement program shall include an assignment of funds, including any accrued interest, from the impact fee fund to specific capital improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same impact fee fund until the next fiscal period, except as provided by the refund provisions of this article.

(d) The fund may be used to provide refunds as described above in Section (6) (c).

(9) **Appeals**

(a) Notice of Appeal. Any developer upon whom an impact fee has been imposed may contest the amount collected or use of the impact fee by filing a Notice of Appeal to the Town Board. The Notice of Appeal shall be filed with the Town Clerk within thirty (30) days of the date of the determination appealed from. The Notice of Appeal shall state in detail the relief sought by the developer and any legal or factual basis for the relief requested and the Notice of Appeal shall include all supporting documentation upon which the developer relies in making the appeal.

(b) Appeal Bond. If the Notice of Appeal is accompanied by a bond or other sufficient surety satisfactory to the Town Attorney in an amount equal to the impact fee due, as calculated by the Town, and all other requirements have been satisfied, the building permit may be issued.

(c) Review by the Town Board.

1. Within ten (10) business days of the date of filing of the Notice of Appeal, the Town Clerk shall forward a copy of the Notice of Appeal to the Town Board.

2. Within forty-five (45) business days of the date the Town Board receives a copy of the Notice of Appeal, the Town Board shall adopt a resolution denying, approving, or approving in part the appeal.

(10) **Amendments**

(a) Before enacting an ordinance that amends Section (5) of this ordinance, the Town Board shall hold a public hearing on the proposed ordinance or amendment.

(b) Pursuant to Wisconsin Statutes §66.0617, notice of the public hearing referred to above in Subsection (a) shall be published as a Class I notice under Wisconsin Statutes Chapter 985, and shall specify where a copy of the proposed ordinance or amendment and the public needs assessment may be obtained.

(c) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a needs assessment shall be prepared and made available for

public inspection and copying as required by Wisconsin Statutes §66.0617.

(11) **Severability**

(a) The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

**8.12 RECYCLING**

(1) **Title**

This ordinance is entitled the "Town Recycling and Solid Waste Ordinance."

(2) **Purpose**

The Town finds it appropriate to ordain a community-wide recycling program and, in so doing, participate in the State-wide recycling program. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Sec. 159.11, (1991-1992) Wis. Stats., and Chapter NR 544. Wis. Admin. Code.

(3) **Authority**

The Town Board has the statutory authority, powers, and duties pursuant to Sec. 159.09(3)(b), (1991-1992) Wis. Stats., to manage and direct certain affairs of the Town related to recycling and solid waste management. This ordinance is also adopted as authorized under Chapters NR 544.04(2) and 544.09, Wis. Admin. Code.

(4) **Abrogation and Greater Restrictions**

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

(5) **Interpretation**

In their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power

granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Admin. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544, Wis. Admin. Code standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

(6) **Severability**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(7) **Applicability**

(a) The requirements of this ordinance section shall apply to each owner or occupant of any business, industry, place of commerce or other place providing goods, or services of any kind; to each owner or occupant of any single family residence; to each owner or occupant of any two (2) family residential unit or multi-family residential unit; and to all other persons and covered activities within the boundary limits of the Town of Randall, Kenosha County, Wisconsin.

(b) The requirements of this ordinance shall not affect civic or charitable organizations who conduct fund drives for recyclable materials.

(8) **Effective Date**

The provisions of this ordinance shall take effect on January 1, 1993. The provisions of this ordinance shall be administered by the Town Board of the Town of Randall.

(9) **Definitions**

For purposes of this ordinance:

(a) **Bi-metal Container**

Bi-metal container means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.

(b) **Cardboard**

Heavy duty paper packaging material. Does not include paperboard, such as for cereal or laundry

detergent boxes or holders of six (6) or twelve (12) packs of beverage cans or bottles.

(c) Collector/Hauler

Contractor or entity chosen by the Town Board to handle, transport and dispose of the community's solid waste, recyclables, and non-recyclables and who will enforce preparation standards for recyclable materials.

(d) Community Dumpster

Any dumpster or container placed and maintained by the Town located in the Town Hall parking lot for use by Town residents under this section for semi-annual cleanup days.

(e) Container Board

Corrugated paperboard used in the manufacture of shipping containers and related products.

(f) Foam Polystyrene Packaging

Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages.
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(g) Garbage, Residential

The accumulation of animal, fruit, fish, fowl, or vegetable matter resulting from the preparation, use or cooking of food for household consumption. Said residential garbage shall be wrapped in paper or equivalent.

(h) Glass

Glass bottles, jars and containers but does not include window glass, light bulbs, television tubes and other non-container glass.

(i) Hazardous Waste or Hazardous Substance

Wastes or substances defined in Ch. NR 181, Wis. Adm. Code, including all amendments thereto, as provided therein pursuant to chapter 144.62, (1991-1992) Wis. Stats., or other acts pursuant to the authority vested in the Department of Natural Resources to describe and list materials and also includes in the meaning of hazardous waste or substance as described as those solid wastes or substances found in household waste, not withstanding the household waste exclusion provided in NR 181.12(4)(a), Wis. Admin. Code.

(j) HDPE

HDPE means high density polyethylene, labeled by the SPI code #2.

(k) LDPE

LDPE means low density polyethylene, labeled by the SPI code #4.

(l) Lead Acid Batteries

Automotive and related batteries that are comprised of lead plates and an acid electrolyte and does not include nickelcadium batteries, dry cell batteries (flashlight) or batteries used in calculators, watches, hearing aids or similar devices.

(m) Magazines

Magazines means magazines and other materials printed on similar paper.

(n) Major Appliance *(Recreated 11/94)*

Residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (unless the capacitor has been removed), oven, refrigerator, stove, residential and commercial furnaces, boilers, dehumidifiers and water heaters or any other item commonly referred to as a "white good."

(o) Metal Cans

Tin coated steel cans, bi-metal cans and aluminum cans used for food and other non-hazardous materials, but excluding aerosol cans and cans that held paint, paint

related products, pesticides or other toxic or hazardous substances.

(p) Multi-family Dwelling

Multi-family dwelling means a property containing three (3) or more residential units, including those which are occupied seasonally.

(q) Newspapers

Printed matter printed on newsprint, including weekly or daily publications and advertising materials, but excluding glossy paper, magazines, catalogs, phone books or similar materials.

(r) Non-recyclable Materials

Any material other than a recyclable material, and includes residential garbage, refuse, and other solid waste or liquid waste, including, but not limited to, uncontaminated ashes, plastic materials other than the type included in recyclable materials, ceramics, broken glass of all types, blue and flat glass commonly known as "window glass," all types of foam packaging and containers, heat resistant glass, light bulbs, mirrors, china, waxed paper, waxed or non waxed cardboard, envelopes with gummed labels, glossy paper, magazines, furniture, carpeting, used clothing, containers holding toxic or hazardous materials, and other materials not defined as recyclable materials for purposes of this section.

(s) Nonresidential Facilities and Properties

Nonresidential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(t) Office Paper

Office paper means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(u) Other Resins or Multiple Resins

Other resins or multiple resins means plastic resins labeled by the SPI code #7.

(v) Person

Any individual, corporation, partnership, organization, association, a local unit of government as defined in Chapter 66.299(1)(a), (1991-1992) Wis. Stats., a state agency or authority or a federal agency or authority.

(w) PETE

PETE means polyethylene terephthalate, labeled by the SPI code #1.

(x) Plastic Container

Plastic container means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

(y) Post-consumer Waste

Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 144.61(5), (1991-1992) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec. 144.44(7)(a)1., (1991-1992), Wis. Stats.

(z) PP

PP means polypropylene, labeled by the SPI code #5.

(aa) Preparation Standards

Criterion established by the collector/hauler to prepare recyclables for curbside pickup including, but not limited to, rinsing, removing labels, bundling or flattening as the case may be.

(ab) PS

PS means polystyrene, labeled by the SPI code #6.

(ac) PVC

PVC means polyvinyl chloride, labeled by the SPI code #3.

(ad) Recyclable Material

Materials meeting preparation standards and shall include:

1. Lead acid batteries
2. Major appliances
3. Waste oil
4. Yard waste
5. Aluminum containers
6. Bi-metal containers
7. Steel containers and tin-coated steel containers
8. Corrugated paper or other container board
9. Foam polystyrene packaging
10. Unbroken glass containers
11. Magazines and other materials printed on similar paper
12. Newspaper and other materials printed on newsprint
13. Office paper
14. Rigid plastic containers including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
15. Waste tires.

(ae) Refuse

Combustible and noncombustible materials including, but not limited to, paper products, wood, metal, glass, cloth and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; contaminated ashes. "Refuse" for the purposes of this section shall not include oversized and bulky waste, such as furniture and building materials such as wood and concrete resulting from construction or demolition.

(af) Solid Waste

Solid waste has the meaning specified in Sec. 144.01(15), (1991-1992) Wis. Stats., and garbage, refuse and all other discarded or salvageable solid materials including solid waste resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids or dissolved materials in wastewater effluents or other common water pollutants.

(ag) Solid Waste Facility

Solid waste facility has the meaning specified in Sec. 144.43(5), (1991-1992) Wis. Stats.

(ah) Solid Waste Treatment

Solid waste treatment means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.

(ai) Town

The Town of Randall.

(aj) Waste Oil

Contaminated petroleum derived or synthetic oil including, but not limited to, fluid and insulating fluid or coolant.

(ak) Waste Tire

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(al) Yard Waste

Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter and other similar organic materials. This term does not include stumps, roots or shrubs with intact root balls.

(10) **Mandatory Recycling**

(a) **Non-recyclable Material**

1. All garbage, refuse and other non-recyclable materials shall be collected, removed and disposed of pursuant to the Town's agreement with the designated by the collector/hauler or through a person's private agreements with a collector/hauler.

2. Garbage shall be placed at the curbside or other designated place for collection by the collector/hauler at a time and day of the week designated by the collector/hauler. Garbage containers shall not exceed thirty-two (32) gallons in capacity or fifty (50) pounds in weight and must be securely closed.

(b) **Recyclable Materials**

1. Participation in the Towns recycling program is mandatory for all persons. Separation of recyclables is required. All persons shall separate the materials listed in Sec. 8.12(ad) of this ordinance from post-consumer waste. All recyclable materials shall be separated from other solid waste. Recyclable materials shall be placed at the curbside adjacent to the premises owned or occupied by the person or other designated place for collection and shall be separated into a recycling container that facilitates transport, preferably recycling bins provided for this specific purpose and, therefore, easily identifiable as such. Recyclables may be commingled in the recycling bins.

2. Recycling bins provided to residents by the collector/hauler are the property of the collector/hauler and must be returned to the collector/hauler in clean and good condition if the bins are no longer to be used for participation in the Towns recycling program. Bins are to remain with the home which they are originally given.

3. Recyclable materials shall be prepared for pickup as required by the collector/hauler; Containers shall be drained and rinsed free of product residue; corrugated paper, container board, foam polystyrene packaging shall be free of debris; magazines shall be separated from all

other paper, including newspaper, office paper, and corrugated paper; newspaper shall be flat and free of non-recyclable material or garbage and debris; office paper shall be free of non-recyclable material or garbage and debris and relatively clean in texture; rigid plastic containers shall be prepared as follows: plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins shall be drained and rinsed free of product residue with caps removed; waste tires shall be free of liquids.

4. Major Appliances

Major appliances will be picked up by the collector/hauler pursuant to the Town's agreement with the designated collector/hauler or by the person's private agreement with a collector/hauler.

5. Yard Waste

No person shall place yard waste out for collection by the collector/hauler. Owners and occupants of all properties shall be responsible for and shall provide for the disposal of yard waste from their properties.

6. Tires

No person shall place any tires out for collection by the collector/hauler. Owners and occupants of all properties shall be responsible for the proper disposal of any tires from their properties.

7. Lead Acid Batteries

No person shall place any lead acid batteries out for collection by the collector/hauler. Owners and occupants of all properties shall be responsible for the proper disposal of the lead acid batteries from their properties.

8. Waste Oil

No person shall place any waste oil out for collection by the collector/hauler. Owners and occupants of all properties shall be responsible

for the proper disposal of any waste oil from their properties.

(c) All solid waste and recyclables and containers shall be placed as herein required at the specified collection point no sooner than twenty-four (24) hours prior to the regularly scheduled collection time and all such solid waste and recyclables and containers for such waste and recyclables shall not be allowed to remain at the curb longer than twenty-four (24) hours after the regularly scheduled collection time.

*(Recreated 11/30/2006)*

(d) Responsibilities and Requirements of Owners or Designated Agents of Multi-Family Dwellings

Owners or designated agents of multi-family dwellings shall provide adequate, separate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclables and ensuring that recyclables meet preparation standards. The following shall be acceptable means of providing containers: providing a series of containers for the complex or subunits thereof with unique containers for each type of recyclable to be shared in common by occupants of the multi-family dwelling, not including provisions for major appliances, waste oil, tires, and lead batteries, or in the alternative, providing sufficient separate containers to achieve separation of recyclables based upon the size of multi-family dwelling and handling, transportation and processing requirements for the collector/hauler. Containers shall be clearly designated as for recyclables, and shall be maintained in a clean, safe and watertight condition. Owners or designated agents of multi-family dwellings shall attempt to assure that their tenants comply with recycling requirements by making them aware at the time of renting or leasing the dwelling, and at least semi-annually thereafter, that the Town requires recycling by ordinance. Owners or designated agents shall provide their tenants with a copy of the Town Recycling and Solid Waste Ordinance. Owners or designated agents shall notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, location and hours of operation, and a contact person or company, including a name, address, and telephone number. The requirements specified herein in (d) do not apply to the owners or designated agents of multi-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of

Natural Resources that recovers for recycling the materials specified in Sec. 8.12(9)(ad)5. through 15. from solid waste in as pure a form as is technically feasible.

(e) Responsibilities and Requirements of Owners or Designated Agents Commercial, Retail, Industrial, Institutional and Governmental Facilities

1. The owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in Sec. 8.12(9)(ad)5. through 15.:

a. Provide adequate, separate containers for the recyclable materials.

b. Notify in writing, at least semi-annually, to all users, tenants, and occupants of the properties about the established recycling program as mandated by the Town Recycling and Solid Waste Ordinance.

c. Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility.

d. Notify users, tenants, and occupants of reasons to reduce and recycle solid waste; which materials are collected; how to prepare materials in order to meet the processing requirements; collection methods or sites; locations and hours of operation; and a contact person or company, including a name, address, and telephone number.

2. The requirements specified in 1., above, do not apply to the owners or designated agents of nonresidential facilities and properties in the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling and materials specified in Sec. 8.12(9)(ad)5. though 15. from solid waste in as pure a form as is technically feasible.

(11) **Prohibited Practices in Collection and Handling of Recyclables**

(a) **Anti-scavenging or Unlawful Removal of Recyclables**

It shall be unlawful for any person, unless under contract with or licensed by the Town, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

(b) **No Dumping**

It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance. No person shall place for collection any garbage at the curb not owned or occupied by such person.

(c) **Garbage from Outside of Town**

It shall be unlawful to bring refuse for disposal and recyclables from outside the Town limits into the Town unless authorized by agreement with the Town.

(12) **Separation Requirements Exempted**

The separation requirements of Sec. 8.12(10)(b) do not apply to the following:

(a) Occupants of single family and multi-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Department of Natural Resources that recovers the materials specified in Sec. 8.12(9)(ad) from solid waste in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel at a facility if less than thirty percent (30%) of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material specified in Sec. 8.12(9)(ad) 5. through 15. for which a variance has been

granted by the Department of Natural Resources under Sec. 159.11(2m), (1991-1992), Wis. Stats., or Chapter NR 544.14, Wis. Admin. Code.

(13) **Care of Separated Recyclable Materials**

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

(14) **Provide Space for Recycling in Public Buildings**

A person in the Town owning or occupying a new building or a building that is remodeled or expanded by fifty percent (50%) or more in floor area, shall provide a designated area for the separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.

(15) **Prohibitions on Disposal of Recyclable Materials Separated for Recycling**

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sec. 8.12(9)(ad)5. through 15. which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(16) **Hauler Licensing**

Haulers who collect solid waste or recyclables in the Town for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town. Haulers shall be licensed by the Department of Natural Resources under Chapter NR 544.16, Wis. Admin. Code.

(17) **Right to Reject Materials**

The hauler or drop off site attendant has the right to reject or leave at the curb any recyclable material that is not

prepared according to the specifications in this ordinance or in education materials provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Town.

(18) **Reporting Requirements**

The recycling haulers and processors operating in the Town are required to maintain records and report in writing to the Town Clerk at least twice each year. Reports shall include: the amount of solid waste and recyclables collected and transported from the Town; the amount of solid waste and recyclables processed and/or marketed by item type from the Town; and the final disposal location of solid waste and recyclable materials. Failure to report shall be cause for the Town to revoke any license or sever any contract with the hauler/processor.

(19) **Processor Certification**

No recyclable processing facility shall operate within the Town of Randall unless said facility is self-certified with the Department of Natural Resources under Chapter NR 544.16, Wis. Admin. Code.

(20) **Non-disposable Materials**

It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees, tree stumps, construction debris, carcasses, and medical waste (unless personal needles, which shall be contained in cardboard to eliminate injury to collection personnel).

(21) **Exemptions**

The Town reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law, and to either add or delete them from any collection service provided

by the Town or its contractors. The Town shall provide written notice to its service recipients of this declaration.

(22) **Recycling Officer**

The Town Board may appoint a Town resident as recycling officer. The recycling officer shall file the appropriate reports required by Wisconsin Statutes and applicable state regulations and keep the necessary documentation of the records and reports for not less than three (3) years. Copies of all records and reports shall be presented to the Town Board and filed by the Town Clerk.

(23) **Enforcement**

(a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collections sites and facilities, collection vehicles, collections areas of multiple-family dwellings and nonresidential facilities and properties and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection. Inspection authority shall be consistent with Sec. 159.93, (1991-1992) Wis. Stats.

(b) Any person who violates a provision of this ordinance may be issued a citation by any Town Enforcement Officer or any Town Supervisor who is authorized to issue citations and to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(24) **Penalty**

Penalties for violating this ordinance shall be consistent with Secs. 159.95 and 159.97. (1991-1992) Wis. Stats., and may be assessed as follows:

(a) Any person who violates Sec. 8.12(15) may be required to forfeit Fifty Dollars (\$50.00) for a first

violation; Two Hundred Dollars (\$200.00) for a second violation; and not more than Two Thousand Dollars (\$2,000.00) for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except Sec. 8.12(15) or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Code of Ordinances for each violation.

### **8.13 PENALTY**

Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Code of Ordinances.