Preface

Democracy is a government of laws. Good democracy requires not only good laws, but laws which are readily available in written form to all who are subject to the public officials and police officers who must administer them and to the judges and attorneys who must interpret and apply them. It is for this reason that the Village Board of Lake Nebagamon has adopted this code of general ordinances. This code represents the contribution of the Village Board to the democratic and efficient administration of the government and affairs of the Village of Lake Nebagamon, June 2016.

Village Officers

Titles	Names
President	Darrell Kyle
Treasurer / Administrator	Amy K. Huber
Clerk	Daisha Nolan
Police Officer	Pete Witt
Fire Chief	Jake Fuller
Trustee	Steve Hopkins
Trustee	Jake Fuller
Trustee	Jeff Buhr
Trustee	Jim Smith
Trustee	Jim Jonasen
Trustee	Patti Coughlin

TABLE OF CONTENTS

3 **CHAPTER 1 – VILLAGE BOARD MEETINGS**

6 **CHAPTER 2 – OFFICIALS**

10 **CHAPTER 3 – POLICE OFFICER/MARSHAL & PEACE OFFICERS**

12 **CHAPTER 4 – TRAFFIC CODE**

20 **CHAPTER 5 – FIRE DEPARTMENT**

32 **CHAPTER 6 – PUBLIC WORKS**

42 **CHAPTER 7 – BUILDING REGULATIONS**

47 **CHAPTER 8 - SHORELAND/WETLAND - REFER TO ZONING ORDINANCE**

48 **CHAPTER 9 – PLANNING & ZONING – REFER TO ZONING ORDINANCE**

49 **CHAPTER 10 – HEALTH & SANITATION**

51 **CHAPTER 11 – LICENSES & PERMITS**

59 **CHAPTER 12 – ORDERLY CONDUCT**

70 **CHAPTER 13 – PUBLIC NUISANCES**

76 **CHAPTER 14 – FINANCE**

79 **CHAPTER 15 – GENERAL PROVISIONS & FINE SCHEDULE**

83 **CHAPTER 16 – SANITARY SEWER COMMISSION**

86 **CHAPTER 17 – PROPERTY & PREMISES MAINTAINED**

88 **CHAPTER 18 – OTTO FINELL MEMORIAL PARK**

89 **CHAPTER 19 – SNOWMOBILES & ATV**

95 **CHAPTER 20 – SMOKING**

97 **CHAPTER 21 – SUBDIVISIONS – REFER TO ZONING ORDINANCE**

104 **CHAPTER 22 – GARBAGE COLLECTION & REMOVAL**

108 **CHAPTER 23 – COMPREHENSIVE OUTDOOR RECREATION PLAN**

115 **CHAPTER 24 – COMPREHENSIVE PLAN –REFER TO SEPARATE COMP. PLAN**

Chapter 1

(Amended 7/2/19)

VILLAGE BOARD MEETINGS

§1.01 Village Board Meetings & Notices
§1.02 Order of Business
§1.03 Presiding Officer
§1.04 Committees
§1.05 Ordinances and Amendments
§1.06 General Rules
§1.07 Suspension of Rules

§1.01 VILLAGE BOARD MEETINGS & NOTICES

A. Regular Meetings Regular meetings of the Village Board shall be held on the first Tuesday of each calendar month. Any regular meeting falling on a legal holiday or election shall be held on the next Tuesday.

B. Special Meetings
Special meetings of the board may be called by the President or two Trustees filing a written request with the Clerk. The Clerk will inform the Trustees of the meeting either personally or electronically, and will post a public notice of the meeting, including the agenda, at least 24 hours in advance of said special meeting.

C. Emergency Meetings If there is good cause to convene a meeting without 24 hours notice, the notice should be given as soon as possible and must be given at least two hours in advance of the meeting. Wis. Stats. §19.84(3).

D. Meeting Notices All board meetings will be noticed according to Wisconsin Open Meetings Law with advance notice of at least 24 hours, except in the case of a qualifying Emergency Meeting. All meeting notices will include the agenda. No business other than what has been published on the notice, or amended notice posted 24 hours in advance of the meeting, will be transacted. When determining the 24 hour notice requirement, Sundays and legal holidays are not considered.

E. Quorum Four Trustees, including the Village President, shall constitute a quorum but a lesser number may adjourn from time to time or compel the attendance of absent members. A call of the house may be ordered by majority vote if three trustees are present.

§1.02 ORDER OF BUSINESS

A. The business of the Village Board shall be conducted in the following order:
    1. Call to Order by the presiding officer and Roll Call by the acting clerk. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date.)
    2. Public Notification Report
    3. Review of Agenda
    4. Public Input / Informational

5. Approval of Clerk's Minutes
6. Treasurer's Report
7. Approval of Payment of Invoices
8. Committee & Commission Reports
9. Other Business (items in this category must be specifically listed in the meeting notice)
10. Correspondence
11. Information from the President
12. Closed Session – (if needed) (if the Board is returning to open session, this must be stated in the meeting notice)
13. Adjournment (if the Board is adjourning from closed session, this must be stated in the meeting notice and removed from the regular agenda)

§1.03 PRESIDING OFFICER

A. Control of Meeting The Village President 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 President If the President is absent at any meeting the clerk shall call the meeting to order and preside until the Board selects a trustee to preside for that meeting.

C. Participation in Debate The presiding officer may speak upon any question or make any motion if he/she vacates the chair and designates a Trustee to preside temporarily.

§1.04 COMMITTEES

A. Committee Appointments At the first regular Board meeting in May the President shall assign committee members to each of the following standing committees:
   1. Committee on Finance (including finance, licenses, permits, cemetery, employee relations and organization development)
   2. Committee on Public Safety and Health & Environment (including weed & health officers, police department, fire department, garbage and recycling services and keeping of animals)
   3. Committee on Public Works, Public Property and Parks & Rec (including streets, sewers, public buildings and public grounds, etc.)
   4. Committee on Planning & Development (including zoning & comprehensive planning)

B. Committee Report Each committee shall at the next regular meeting give a report on all matters referred to it. Any committee may require any village officer to confer with it and supply information in connection with any matter pending before it.

§1.05 ORDINANCES AND AMENDMENTS

All ordinances and amendments shall be properly described in number and content on the agenda and reviewed at a properly noticed Board meeting before adoption. All adopted ordinances and amendments will be signed by the President, countersigned by the Clerk and quickly published in three places in the Village and on the Village website.

§1.06 GENERAL RULES

The deliberations of the Board shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order Revised (2011), which is hereby incorporated in this section by reference. No person, other than a member, shall address the Board except by majority vote of the members present, or an invitation from the presiding officer. 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 same and a person seconding it.

§1.07 SUSPENSION OF RULES

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.

Chapter 2

(Amended 3/5/19)

OFFICIALS

§2.01 Elected Officials
§2.02 Appointed Officials
§2.03 Police Officer
§2.04 Fire Chief & Fire Inspector
§2.05 Board of Review
§2.06 Planning & Zoning Commission
§2.07 Zoning Board of Appeals
§2.08 Sanitary Sewer Commission
§2.09 General Regulations Governing All Officers

§2.01 ELECTED OFFICIALS

A. Trustees There shall be six Trustees of the Village of Lake Nebagamon. Three Trustees shall be elected at each annual spring election for a term of two years, commencing on the 3rd Tuesday of April in the year of their election.

B. Other Elected Officials The following officers of the Village of Lake Nebagamon shall be chosen at the regular spring election in odd-numbered years for terms of 2 years commencing on the 3rd Tuesday of April in the year of their election:

Village President
Three (3) Trustees

C. The following officers of the Village of Lake Nebagamon shall be chosen at the regular spring election in even-numbered years for terms of 2 years commencing on the 3rd Tuesday of April in the year of their election:

Three (3) Trustees

§2.02 APPOINTED OFFICIALS (amended 12/3/13 & 3/4/14)

A. Assessor, Attorney, Building Inspector, Clerk, Treasurer/Administrator/Zoning Administrator, and Police Officer. The Village officials hereinafter set forth shall be appointed at the first regular meeting of the Village Board in May of odd-numbered years by the Village President, subject to confirmation by a majority vote of the members of the Board:

Assessor
Attorney
Building Inspector
Treasurer/Administrator/Zoning Administrator
Clerk
Police Officer

The Village President shall not vote on the confirmation of such appointments except in case of a tie. The term of office of each official so appointed shall be two years. All terms shall commence on the 15th day of May following appointment. The office of Clerk will be a single position and the office of Treasurer/Administrator/Zoning Administrator will be a single position. To be effective as of the 15th day of May, or on vacancy of the present officers holding the positions of Clerk and Treasurer, whichever should occur the earliest.

B. Weed & Health Officer The Weed & Health Officer shall be appointed in May of each year for a term of one year by the Village President. Wis. Stat. § 66.0517

§2.03 POLICE OFFICER

A. Appointment The office of Police Officer shall be filled by the recommendation of the Chair of the Public Safety Committee, and confirmed by a majority vote of the Village Board.
B. Qualifications Associate's Degree (A.A.) or equivalent qualifications, valid driver's license. The requirements listed in the Village of Lake Nebagamon job description "Police Officer/Marshal" are representative of the knowledge, skill, and/or ability required.

§2.04 FIRE CHIEF & FIRE INSPECTOR

A. Appointment The office of Fire Chief shall be filled by election of a majority vote of the active Fire department members, and confirmed by a majority vote of the members of the Village Board. The Chief shall be elected and confirmed in June of even numbered years, and can be removed for cause after a hearing by action of ¾ of the members of the Village Board, unless his services are sooner terminated by resignation , death or change of residence to outside the Village limits. Upon occurrence of a vacancy in the office of Fire Chief, the ranking officer of the Department shall perform the duties of the Chief until such vacancy can be filled. The Fire Chief shall, by virtue of his/her office, hold the office of Fire Inspector with powers of delegation.
B. Qualifications The Fire Chief must have completed Wisconsin's Technical Colleges Fire Programs (Entry Fire 1 & 2, Firefighter 1, Firefighter 2, and a state-sponsored officer class) or have filed and completed the reciprocity with the State of Wisconsin that meets or exceeds the aforementioned Wisconsin Technical College programs. The Chief must be an eligible elector in the Village of Lake Nebagamon and have been active (qualifying and maintaining the requirements of the stipend program) for at least 3 years. The Chief must, under everyday circumstances, be capable of timely responding to emergency calls during regular business hours.

§2.05 BOARD OF REVIEW

The Board of Review of the Village of Lake Nebagamon shall be composed of eight members, including the Village President, the Village Clerk, and all members of the

Village Board of Trustees. The Board of Review shall have the duties and powers prescribed by Wis. Stat. § 70.46.

§2.06 PLANNING & ZONING COMMISSION

A. How Constituted The Village Planning & Zoning Commission shall consist of 5 members. A Board Trustee may be a member. (Amended 11/7/17)

B. Appointment

1. Citizen and/or Board Members Members shall be appointed by the President for three year terms, except for initial terms. Initial appointments shall include: two for one year, two for two years, and one for three years. The Village President shall appoint all members, including the chairman, subject to a two-thirds majority vote of the Village Board. Members will serve until a successor is duly appointed and confirmed. Appointments to fill a vacancy shall be for the remaining term of the commissioner involved. Commissioners may serve no more than six consecutive years. After being off the Commission for two years, a person may be reappointed. Terms expire upon Board confirmation of May appointments.

§2.07 ZONING BOARD OF APPEALS (AMENDED 11/13/12)

The Zoning Board of Appeals of the Village of Lake Nebagamon shall consist of five (5) members, one (1) Village Board Member, one (1) Zoning Board Member and three (3) appointed citizens, and two (2) alternate members, all shall be appointed by the Village President and confirmed by a majority vote of the Village Board. All will have mandated training yearly. Members first appointed shall serve one for one year, two for two years, and two for three years and the alternate members shall serve for three years. Thereafter, all members shall be appointed for 3 years. The board shall have the powers and duties prescribed by Wis. Stat. § 62.23.

§2.08 SANITARY SEWER COMMISION

A. How Constituted The Sanitary Sewer Commission shall consist of 3 members. A Board Trustee may not be a member.

B. Appointment Members shall be appointed by the President for three year terms except for initial terms. Initial appointments will be for one, two, and three years. The Village President shall appoint all members, including the chairman, subject to a two-thirds majority vote of the Village Board. Members will serve until a successor is duly appointed and confirmed. Appointments to fill a vacancy shall be for the remaining term of the commissioner involved. Current elected Village officials are not eligible for appointment. Terms expire upon Board confirmation of May appointments.

§2.09 GENERAL REGULATIONS GOVERNING ALL VILLAGE OFFICERS

A. Effect The provisions of this section shall apply to all officers of the village, regardless of the time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Village Board.

B. Oath of Office Every officer of the Village, including members of Village boards and commissions, shall before entering upon his/her duties and within 5 days of his/her election or appointment or notice thereof take the oath of office prescribed by law and file said oath in the office of the Village Clerk, except the Village Clerk who shall file his/her oath in the office of the Village Treasurer. Any person re-elected or reappointed to the same office shall take and file the official oath for each term of service.

C. Vacancies Vacancies in elective offices shall be filled by appointment by a majority vote of the Village Board for the remainder of the unexpired term. Vacancies in appointive offices shall be filled in the same manner as the original appointment of the residue of the unexpired term unless the term for such office is indefinite.

D. Outside Employment Outside employment is allowed as long as it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

E. Wage Village Officials will be paid at rates determined by the Village Board, as applicable to their position. These rates will be reviewed annually during budgeting. No additional pay shall be made for special meetings.

F. Attendance Village Officials shall attend 10 of the 12 scheduled meetings held monthly per calendar year, as applicable to their position, and shall remain in attendance from call to order to adjournment. Failure to attend meetings per the above requirements may be cause for immediate involuntary dismissal and replacement by the Village Board. Special consideration will be given to incapacity due to illness but in no case shall this cover more than two additional meetings.

Chapter 3

POLICE OFFICER / MARSHAL & PEACE OFFICERS

§3.01 Personnel
§3.02 Appointment & Removal
§3.03 General Powers of Police Officers
§3.04 Police Officer / Marshal
§3.05 Civilians to Assist
§3.06 Special Peace Officers

§3.01 PERSONNEL

The Police Department of the Village of Lake Nebagamon shall consist of the Police Officer / Marshal and such other police officers as hired by the Village Board.

§3.02 APPOINTMENT & REMOVAL

Police officers, shall be appointed or removed subject to approval of the Village Board.

§3.03 GENERAL POWERS OF POLICE OFFICERS

The Police of the Village of Lake Nebagamon shall possess Ordinance Powers for the Village of Lake Nebagamon as provided in Chapter 3 of Municipal Code. Every member of the Police Department shall have full power and authority and it shall be his duty to:

A. Arrest with or without process all persons in the Village found in a state of intoxication or engaged in any disturbance of the peace or violating any law or ordinance of the state or Village or aiding or abetting in such violation and take all such persons in charge and confine them and within a reasonable time bring them before the Circuit Court in Douglas County to be dealt with according to law.
B. Familiarize himself with the ordinances of the Village and attend to the enforcement of such ordinances by all lawful means.
C. Help prevent crimes, misdemeanors, and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
D. Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs, or signals and defective or dangerous streets and sidewalks to the Village Office.
E. Assist the Fire Department in maintaining order at the scene of a fire.
F. See that the necessary permits and licenses issued by the proper authority of the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.

§3.04 POLICE OFFICER / MARSHAL

A. Duties In addition to the duties imposed upon him / her by Wis. Stat. § 61.28 the officer shall have the following duties:
    1. He shall keep in his office a record of all arrests made by members of the Department, traffic tickets issued, the dates, hours, and places thereof, names of persons arrested, arresting officers, offenses charged, actions taken and results.
    2. He shall not be absent from duty or leave the Village without first reporting to the Administrator, provided he may leave without such report when discharging his official duties or when in pursuit of a person known to have violated any law or ordinance of the State or Village.
    3. He shall submit a written monthly report to the Village Board of all activities and transactions of the Department during the preceding month.

§3.05 CIVILIANS TO ASSIST

It shall be the duty of all persons in the Village, when called upon by any police officer or peace officer, to promptly aid and assist him in the execution of his duties, and whoever shall neglect or refuse to give such aid, or assistance shall be subject to a penalty as provided in s. 15.04 of this code.

§3.06 SPECIAL PEACE OFFICERS

The Village President and Trustees shall have and exercise the powers of peace officers and may summarily suppress any riotous or disorderly conduct in the streets or public places of the village.

Chapter 4

TRAFFIC CODE

§4.001 Ordinance Enforcement by Citation
§4.01 State Traffic Laws Adopted
§4.02 Traffic Limitations
§4.03 Parking Limitations
§4.04 Weight Limitations
§4.05 Erection of Signs & Signals
§4.06 Penalty
§4.07 Motor Boats
§4.08 Enforcement

§4.001 ORDINANCE ENFORCEMENT BY CITATION

A. Authority

1. Pursuant to the authority of Wis. Stat. § 66.0113, the Village of Lake Nebagamon hereby elect to use the citation method of enforcement of ordinances identified in subsection 4.
2. The adoption herein of the citation method of enforcement shall not preclude the Village Board or officers authorized to issue citations under this section from proceedings under any other enforcement ordinance, regulation, statute, law, rule, or order that pertains to the subject matter addressed by the citation or to any other matter. Proceedings under any other ordinance, statute, law, rule or regulation pertaining to that or any other matter shall not preclude the issuance of a citation.
3. Unless otherwise specified in the adopting ordinance, all ordinances without a statutory counterpart adopted subsequent to this section shall be enforced by the citation method, provided that the Village Board shall, in conjunction with enacting any such ordinance, establish a cash deposit for the violation unless the Board shall decide to enforce the ordinance other than by the citation method. The deposit set for each new ordinance shall be incorporated by reference to the schedule, contained herein. The provision of paragraph (2) above shall apply to all new ordinances.

B. Effect of Citation

The citation shall have the legal effect specified in Wis. Stat. § 66.0113 and a duly issued citation shall confer subject matter jurisdiction upon the Circuit Court for the County of Douglas.

C. Persons Authorized to Issue Citations

Any law enforcement officer employed by the Village of Lake Nebagamon may issue citations for enforcement of any ordinance.

§4.01 STATE TRAFFIC LAWS ADOPTED

A. The statutory provisions describing and defining regulations with respect to vehicles and traffic in the following enumerated sections and chapters of the Wis. Stats. exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed, or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

Wis. Stat. §:	
340.01, 343.01 & 348.01	(words & phrases defined)
341.04	(failure to register vehicle)
341.11(4)	(display of registration certificates)
341.15	(display of registration plates)
341.32	(registration)
341.48	(registration of dealer, distributor, manufacturer, or transporter)
341.53	(expiration of registration)
341.54	(changes in place of business to be reported)
341.55	(misuse of plates)
341.57	(registration of finance companies)
341.61	(improper use of registration plates)
341.62	(false evidence of registration)
342.05	(certificate of title required)
342.18 & 342.19	(transfer of title)
342.31(2)	(report of stolen or abandoned vehicles)
342.33	(sales of taxicabs and public vehicles)
342.34	(destruction of vehicles) Any means of disposal other than public auction shall be specified by ordinance. A city, village, town or county may dispose of any firearm or ammunition only under s968.20.
342.35 & 342.38(2)	(motor vehicle salvage dealers)
342.40 & 342.43(2)	(motor vehicle auction dealers)
343.05	(operator's license required)
343.07	(instruction permits)
343.08	(restricted licenses for minors)
343.10	(occupational license restrictions)
343.12	(school bus operators)
343.125(1) & (2)	(chauffeurs' licenses)

343.18	(license to be carried)
343.22	(change of address or name)
343.35 & 343.37	(surrender of license)
343.43 through 343.46	(unlawful practices relative to licenses)
343.60, 343.61(1) & (4), 343.62(1), 343.71 & 343.72	(driver school regulations)
344.46	(transfer of ownership to defeat financial responsibility)
344.47	(operating after license suspended)
344.51 & 344.52	(financial responsibility for rented vehicles)
941.01(1)	(reckless driving off highways)
947.045	(drinking in motor vehicles on highways)

Wis. Stat. Chapters:

347	(rules of the road)
348	(equipment of vehicles)
349	(vehicles – size, weight and load)

§4.02 TRAFFIC LIMITATIONS

A. Posted Speed Limits It shall be unlawful for any person to operate any motor vehicle, automobile, truck or motorcycle within the boundaries of the Village of Lake Nebagamon at a speed in excess of the posted limits. Any persons convicted of a violation shall be fined not less than $30.00 no more than $300.00 plus applicable cost for prosecution. Forfeiture amounts per Wis. Stat. § 345.26, 778.25 & 969.065.

B. Excessive Acceleration No person shall engage in any speed contest, exhibition of speed, or any unreasonable or unnecessary acceleration or show of power on any street, alley, or unreasonable or unnecessary acceleration or show of power on any street alley , public or private parking lot in the Village of Lake Nebagamon, including all businesses, and public or private driveways. Acceleration of speed, erratic driving, or racing from electric signal or stop sign, and/or misconduct which creates a hazard to pedestrians and other motor vehicles.

C. Excessive Noise No person shall make unnecessary and annoying noises with a motor vehicle, by squealing tires, excessive acceleration of an engine, emitting unnecessary and loud muffler noise, and excessive stereo/music volume.

§4.03 PARKING LIMITATIONS (AMENDED 7/3/12)

A. There will be no parking on the east side of Lake Avenue from County Road B to the Lake.
    1. There will be three (3) hour parking on the west side of Lake Avenue from Waterfront Drive to the lake from 8:00am to 11:00pm.

2. There will be no parking on the west side of Lake Avenue from Waterfront Drive to the lake from 11:00pm to 8:00am.

B. There will be no parking on either side of Ravine Park Drive from Waterfront Drive to Camp Nebagamon Drive.

C. There will be no parking on the north side of Camp Nebagamon Drive from Ravine Park Drive going west.

D. There will be no night parking between the hours of 2:30am and 7:00am on any Village streets from the first snow of the year, but no later than November 1st, whichever comes first, until snow is gone, but no earlier than April 1st, whichever comes last.

E. No parking on Village street(s) or parts thereof, that is/are being used for special events and signed with official No Parking signs authorized by the Police.

F. Stopping, standing, or parking prohibited in parking spaces reserved for vehicles displaying special registration plates or special identification cards. Reference Wis. Stat. § 346.505(2)(a-c) Handicapped parking.

G. Any vehicle that is in violation of this ordinance will be cited and may be removed immediately from any Village street will be at the owner's expense if obstructing snow plows during winter parking rules and after 24 hours for any other parking violation listed in this section.

H. Any person in violation of this ordinance shall be subject to a forfeiture of:
1st Offense, fifty dollars ($50.00), plus costs as defined in the latest edition of the State of Wisconsin Municipal bond schedule; and one hundred dollars ($100.00), plus costs as defined in the latest edition of the State of Wisconsin Municipal bond schedule for each additional offense.

I. The blocking, by any vehicle, trailer, equipment or apparatus, or otherwise interfering with the operations o the Village of Lake Nebagamon, which includes but not limited to: road and street maintenance, winter snow plowing or public safety, which prevents ingress or egress onto any Village of Lake Nebagamon road or street is prohibited.

J. This section does not apply to emergency vehicles or police designated vehicles, when on official business or an emergency.

§4.04 WEIGHT LIMITATIONS

A. Class "B" Highway Designated All streets and alleys within the Village of Lake Nebagamon, are hereby designated Class "B" highways and shall be subject to the weight limitations imposed by the Wis. Stats.

B. Restrictions on Use of Other Streets by Heavy Traffic No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6,000 pounds shall be operated or moved on any street or alley not part of the heavy traffic route designated in sub.(2)(a) of this section in the Village of Lake Nebagamon. Except for the purpose of obtaining order for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of the vehicle and load on such other street

exceed the limitations of Wis. Stat. § 348.15 or 348.16(3) or the ordinances of the Village pertaining to Class "A" highways or deliveries on Class "B" highways.

§4.05 ERECTION OF SIGNS AND SIGNALS

The Public Works department is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Commission giving such notice of the provisions of § 4.02, 4.03, 4.04 & 4.05 of this chapter as required by State law. Signs shall also be erected in such locations and manner as authorized by the governing body as to give adequate warning to users of the street, alley or highway in question.

§4.06 PENALTY

A. Any person who shall violate any of the provisions of this chapter shall upon conviction thereof, be subject to a penalty as provided in 15.04 of this code. Forfeiture for a violation of any provision of 4.01 of this chapter, described and defined in Wis. Stat. § 346.57.
B. The provisions of Wis. Stat. § 345.16 shall apply to adjudications of violation of any provisions of this chapter.

§4.07 MOTOR BOATS

Whereas, Wis. Stat. § 30.66 provides that the Village Board is authorized to regulate the traffic, noise and the operation of motor boats, and to provide safety regulations and penalties for the violation thereof.

A. Intent The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource. This ordinance will apply during the day of any prior board approved sanctioned boat race from 10:00am to 5:00pm.
B. Applicability and Enforcement The provisions of this ordinance shall apply to the waters of Lake Nebagamon. The provisions of this ordinance shall be enforced by the officers of the Village of Lake Nebagamon.
C. Definitions In this ordinance: "Slow-no-wake" means the lowest possible speed, so as to maintain steerage.
D. Speed Restrictions Motor boats may not be operated in excess of slow-no-wake speed, within 100 feet of the restricted area.
E. Prohibited Operation
    1. Intoxicated Operation
        a. "Drug" has the meaning specified in Wis. Stat. § 450.01(10).
        b. "Motorboat" has the meaning specified in Wis. Stat. § 30.50(6) except that it does not include any sailboat. No person may operate a motorboat upon the waters of Lake Nebagamon or use water skis, an aquaplane or a similar

device while under the influence of an intoxicant or a controlled substance as defined in Wis. Stat. § 450.01(10). Or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable safely operating a motorboat or using water skis, an aquaplane or a similar device, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely operating a motorboat or using water skis, an aquaplane or a similar device.

2. Negligent Operation No person may operate or use any boat, or manipulate any water skis, aquaplane or similar device upon the waters of Lake Nebagamon in a careless, negligent or reckless manner so as to endanger his life, property or person or the life, property or person of another.
3. Operation by Incapacitated Person or Minor
    a. No person under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years of age may operate a motorboat only if they are accompanied in the boat by either a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 and less than 16 years of age may operate a motor of any horsepower, but only if they are either accompanied by a parent or guardian or a person at least 18 years of age designated by a parent or guardian., or in possession of a certificate issued under Wis. Stat. § 30.74(1). Violations of this paragraph done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian, and punishable under Wis. Stat. § 30.80.
4. Creating Hazardous Wake or Wash No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.
5. Operating in Circular Course No person may operate a motorboat repeatedly in a circuitous course around any other boat, or around any person who is swimming, if such circuitous course is within 200 feet of such boat or swimmer; or shall any boat or water skier operate or approach closer than 100 feet to any skin diver's flag or any swimmer, or unless physical conditions make compliance impossible.
6. Riding on Decks and Gunwales No person operating a motorboat shall allow any person to ride or sit on the gunwales, tops of seat backs or sides or on the decking over the bow of the boat while underway, unless such person is inboard of guards or railings provided on the boat to prevent passengers from being lost overboard. Nothing in this section shall be construed to prohibit entry upon the decking over the bow of the boat for the purpose of anchoring, mooring casting off, or other necessary purpose.
7. Restricted Areas No person shall operate a boat within water areas which have been clearly marked by buoys or some other distinguishing device as a bathing or swimming areas, nor operate a boat in restricted use areas contrary to regulatory notice pursuant to Wis. Stat. §30.74. This subsection does not apply in the case of an emergency or to patrol or rescue craft.

8. Anchoring in Traffic Lanes No person may anchor, place, affix, or abandon any unattended boat, raft, float or similar structure in the traveled portion of any river or channel or in any traffic lane established and legally marked so as to prevent, impede, or interfere with the safe passage of any other boat through the same.
9. Overloading No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other existing operating conditions.
10. Overpowering No boat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions.
11. Unnecessarily Sounding Whistles No person shall unnecessarily sound a horn, whistle or other sound producing device on any boat while at anchor or underway. The use of a siren on any except duly authorized patrol boats on patrol or rescue duty is prohibited.
12. Molesting or Destroying Aids to Navigation & Regulatory Markers No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy, or moor or fasten a boat (except mooring buoys) to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters.

F. Water Skiing Prohibited at certain times, exceptions:
1. Except as provided no person may operate a motorboat towing a person on water skis, aquaplane, or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as Class A motorboats by the department actually operated by the person being towed and so constructed as to be capable of carrying the operator in or on the motorboat. No person may engage in water skiing, aquaplaning, or similar activity, at any time from sunset to sunrise.
2. No boat-towing persons engaged in water skiing, aquaplaning or similar activity on Lake Nebagamon shall engage in such activity within 100 feet for any occupied anchored boat or marked swimming area or public boat landing within 100 feet of the restricted area.

G. Skin-diving No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas within 100 feet of restricted area described in Section 5.

H. Penalties Any person violating any provision of this ordinance shall be subject to the penalties described in Wis. Stat. § 30.80.

§4.08 ENFORCEMENT

A. Stipulation of Guilt Upon request of any person charged with a violation of any provision of this chapter within 48 hours after issuance of a citation, therefore, a police officer as defined in this code may accept a written stipulation of guilt.

STIPULATION OF GUILT

State of Wisconsin)
) ss.
County of Douglas

I, _____, having been issued a citation on the _____day of _____, 20___, for violation of §_____of the Municipal Code of the Village of Lake Nebagamon, Wisconsin, hereby stipulate that I am guilty of such offense and consent to forfeit as the penalty for such offense without court order or hearing he sum of $_____, herewith delivered to the (designated official) of said Village.

Dated:_____ Signed:_____

Received by:_____

B. Forfeited Penalty The sum to be forfeited pursuant to the stipulation for violation of this chapter shall be as provided in the schedule of penalties established by the Police Officer and approved by the Village Board.

C. Forfeitures to Treasurer The officer accepting forfeited penalties shall deliver them to the Village Treasurer at least once in every seven days.

D. Statement of Notice Any official, enforcement officer or village attorney accepting a stipulation of guilt under the provisions of this section or prosecuting a violation of this chapter shall comply with the provisions of Wis. Stat. § 343.27 & 343.29 and shall inform the accused of the effect of a stipulation of guilt, the officer shall inform the accused of the effect of a stipulation of guilt; the officer shall require the accused to sign a statement of notice, which shall be in substantially the following form:

STATEMENT OF NOTICE

State of Wisconsin)
) ss.
County of Douglas

I, _____, having been issued a citation on the _____day of _____, 20___, for violation of §_____of the Municipal Code of the Village of Lake Nebagamon, Wisconsin, hereby acknowledge that I have been informed that a stipulation of guilt, forfeiture of bail or plea of guilty or nolo contedere by me on the above charge will result in my license being revoked or my operator's record being charged with _____ demerit point and that 12 demerit points will result in my operator's license to be revoked.

Dated:_____ Signed:_____

Received by:_____

Chapter 5

FIRE DEPARTMENT

§5.01 Fire Department Organization
§5.02 Fire Chief
§5.03 Firefighters
§5.04 Equipment and Apparatus
§5.05 Police Power of Department
§5.06 False Fire Alarms Prohibited
§5.07 Emergency Management – N.I.M.S.
§5.08 Penalties
§5.09 Authorization to Hold Volunteer Funds

§5.01 FIRE DEPARTMENT ORGANIZATION (VOLUNTEER)

Department to Adopt Bylaws The Lake Nebagamon Fire Department shall adopt bylaws for the control, management, and government for regulations of business and proceedings of the Fire Department, which bylaws shall be adopted by 2/3 vote of the Department members and approved by the Village Board. Copy of Bylaws will be attached to this ordinance.

§5.02 FIRE CHIEF (Amended 8/6/19)

A. Appointment and Qualifications See § 2.04 of this code.
B. Duties & Powers The Chief shall have general supervision of the Fire Department personnel, apparatus equipment, subject to ordinances of the Village and the bylaws of the Department. The Chief shall be responsible for all fire-fighting operations. The Chief shall enforce or cause to be enforced all fire prevention ordinances, laws, regulations of the Village and State.

§5.03 FIREFIGHTERS

Age Limit No age limit is applicable to volunteer fire departments.

§5.04 EQUIPMENT & APPARATUS

As per bylaws attached.

§5.05 POLICE POWER OF DEPARTMENT

A. Authority at Fires The chief and his assistants or officers in command are hereby vested with full and complete police authority at fires and may cause the arrest of any person failing to give the right of way to the Fire Department responding to a fire call.

B. Removal of Property The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property, and during the progress of any fire, he shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. He shall also have the power to cause the removal of all wires or other facilities and the turn off all electricity or other services where the same impede the work of the Department during the progress of a fire.

C. Firefighters May Enter Adjacent Property It shall be lawful for any firefighter acting under the direction of the Fire Chief or any officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person refusing to obey said orders.

D. Duty of Bystanders to Assist Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding the property. Such officer shall have the power to cause the arrest of any person refusing to obey said orders.

§5.06 FALSE FIRE ALARMS PROHIBITED

No reason shall give or send or cause to be given or sent in any manner any alarms or fire which he/she knows to be false.

§5.07 EMERGENCY MANAGEMENT – N.I.M.S. (National Incident Management System)

A. Definitions

1. Emergency Management shall mean the preparation for, and the carrying out, of all emergency functions other than functions for which the military forces are primarily responsible, 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.
2. N.I.M.S. The National Incident Management System provides a consistent nationwide approach for Federal, State, Local, and Tribal governments to work together more effectively and efficiently to prevent, prepare for, or respond to and recover from domestic incidents, regardless of cause, size, or complexity. Attached resolution adopted 9/6/2006.

B. Director The Fire Chief shall be the executive head of Emergency Management and shall have direct responsibility for the organization, administration, and operation of emergency management. In addition to such powers and responsibilities, he shall have the authority and it shall be his duty to:

1. Coordinate all activities of emergency management within the Village.
2. Maintain liaison and cooperate with emergency management agencies and organizations of the State and Federal Government.
3. Participate in county and State N.I.M.S. activities upon request.
4. Prepare a comprehensive general plan for emergency management of the Village and present such a plan to the Village Board for approval.

5. Subject to the approval of the Village Board, enter into mutual aid agreements with other political subdivisions and file copies of any such agreements with the State.
6. Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as shall be required in the emergency management plan.

C. Utilization of Existing Services and Facilities In preparing and executing the emergency management plan, the fire department shall utilize the services, equipment, supplies, and facilities of the existing departments and agencies of the Village to the maximum extent practicable. When the Village Board has approved the plan, it shall be the duty of all municipal agencies and departments of the Village to perform the duties and functions assigned by the approved plan.

D. Declaration of Emergencies The emergency management plan shall be put into action only after the declaration of an emergency and issuance of official disaster warnings. Declaration of emergency shall be made by the Governor, the Village Board, and the Village President. Such state of emergency shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the Village Board.

E. Obstruction of Defense Organization; Penalty No person shall willfully obstruct, hinder or delay any member of the Village of Lake Nebagamon executing the emergency management plan in the enforcement of any order, rule, regulation or plan issued pursuant to this section or violate any order , rule, regulation or plan issued pursuant to the authority contained in this section. Any person who shall violate any provision of this section shall upon conviction, thereof be subject to a penalty as provided in § 15.04 of this code.

§5.08 PENALTIES

The penalty for violation of any provision of this chapter shall be a penalty as provided in §15.04 of this code.

§5.09 AUTHORIZATION TO HOLD VOLUNTEER FUNDS (Amended 2/6/18)

The Village Board of the Village of Lake Nebagamon, Douglas County, Wisconsin ("Village Board"), does hereby ordain as follows:

Section 1. Purpose and Authority. This Ordinance is enacted pursuant to the authority of Wis. Stats. §66.0608 for the purpose of authorizing "volunteer funds" to be held in the name of the Village of Lake Nebagamon Fire Department ("Fire Department"). This Ordinance is to be interpreted in conformance with that section as it may be amended from time to time.

Section 2. Adoption of Ordinance. The Village Board does hereby authorize the Village of Lake Nebagamon Fire Chief ("Fire Chief") or his designee to deposit volunteer funds of the department in various accounts (checking, savings, money market) in the name of the Fire

Department in any public depository in which other Village funds are being held by the Village Treasurer.

Section 3. Control of Funds. The Fire Department, through its Fire Chief or his designee, is granted control over the expenditure of funds of the Department. This authority is granted without limitation as to amount or type of funds, but it is subject to the limitations and requirements hereinafter set forth.

Section 4. Limitations and Requirements. The following limitations and requirements shall apply to the handling and disbursement of funds from the account:

a. Expenditures. Expenditures over $200.00 withdrawn from the accounts may be approved only upon majority vote of fire department members present at a duly noticed meeting of the department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the fire department to provide services for which it is organized.

b. Accountings.

I. A voucher system consistent with the system currently in use by the Village as of the time of any transaction shall be implemented for all expenditures, deposits, and transfers. There shall be a $200.00 cap on any expenditure without pre-approval of two of the three designated signatories (Fire Chief, Deputy Chief, and Secretary).

II. All accounts shall be regularly entered into whatever accounting program or system which may be in use by the Village, or as designated by the Village Board.

III. The Village Clerk shall receive monthly bank statements for record back-up of monthly reports.

IV. The Fire Department Secretary shall provide via the Village Clerk, the Village Board with monthly reporting on such account(s) as part of the regular treasurer's report.

c. Audit. Fire Department accounts shall be included in the annual audit of Village funds. They shall be audited in the same manner as other Village funds.

RESOLUTION INTRODUCED BY THE VILLAGE BOARD
OF THE VILLAGE OF LAKE NEBAGAMON
DESIGNATING NATIONAL INCIDENT MANAGEMENT SYSTEM (N.I.M.S.)
AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE
VILLAGE OF LAKE NEBAGAMON

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland security to develop and administer a National Incident Management System (N.I.M.S.), which would provide a consistent nationwide approach for Federal, State, Local, and Tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, it is necessary and desirable that all Federal, State, Local and Tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and Tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidate account plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the N.I.M.S. standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety and streamline incident management processes;

WHEREAS, the Incident Command System components of N.I.M.S. are already an integral part of various incident management activities throughout the state, including current emergency management training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, be it resolved that the Village of Lake Nebagamon Board of the Village of Lake Nebagamon do hereby establish the National Incident Management System.

Neil Hensrud, Village President Swan S. Dawson, Clerk

September 6, 2005

§5.10 LAKE NEBAGAMON VOLUNTEER FIRE DEPARTMENT BYLAWS

ARTICLE 1 - Mission Statement

ARTICLE 2 - Job Descriptions

(1) Fire Chief
(2) Assistant Chief
(3) Captain
(4) Firefighter
(5) Emergency Medical Responder
(6) Secretary
(7) Health & Safety Officer

ARTICLE 3 - Membership Titles & Membership Eligibility

(1) Active Members
(2) Probationary Members
(3) Active Firefighters
(4) Probationary Firefighters
(5) Active Emergency Medical Responder (EMR)
(6) Probationary Emergency Medical Responder (EMR)
(7) Auxiliary Members
(8) Junior Firefighter/EMS
(9) Non-Active Members

ARTICLE 4 - Meetings

(1) Regular Meetings
(2) Officer Meetings
(3) Robert's Rules of Order

ARTICLE 5 - Elections & Appointments

(1) Eligibility
(2) Election Process
(3) Appointments

ARTICLE 6 - Standard Operating Procedures & Standard Operating Guidelines

ARTICLE 1 - Mission Statement

The Lake Nebagamon Volunteer Fire Department (“LNVFD”) is committed to serving its community with the highest level of life and property protection. This will be achieved through outstanding and compassionate service in an atmosphere that encourages innovation and professional development within the ranks.

The mission of the LNVFD is to protect the lives and property of the community from fires, natural disasters, and hazardous materials incidents; to save lives by providing emergency medical services; to prevent fires through prevention and education programs; and to provide a volunteer work environment, which values diversity and is free of harassment and discrimination.

Quality care will be provided through the department’s core values of respect, trust, support, education, teamwork, honor, and appreciation of diversity. The dedicated personnel of the LNVFD will strive year-round to competently serve and protect its community.

ARTICLE 2 - Job Descriptions

(1) Fire Chief

The Fire Chief provides administrative direction and leadership for all Fire Department functions, operations, and personnel through the supervision of staff and reviews of their activities. Responsibilities include evaluation of general department operations to increase efficiency, providing direction on major projects or in problem areas, planning for the future, developing and implementing policies and procedures, and providing policy guidance. In addition, the Fire Chief is responsible, through study and consultation with municipal officials, for developing recommendations for the protection of life and property in the municipality.

(2) Assistant Chief

Under the direction of the Fire Chief, the Assistant Chief plans, organizes, directs, and administers all operations of the fire department assigned to him/her by the Fire Chief within the authority delegated. In addition, in the absence of the Fire Chief, the Assistant Fire Chief shall perform ALL applicable duties of the Fire Chief in a sufficient manner until the arrival/return of the Fire Chief. The Assistant Chief may also perform the same duties as a firefighter.

(3) Captain

Under direction of the Chief and Assistant Chief, plans, organizes, coordinates and directs the emergency and non-emergency activities of a fire suppression company; commands emergency response scenes; directs and performs a variety of staff support functions; plans, organizes, coordinates and directs training, recruits new members to the department, completes fire inspections and executes prevention programs; and also performs related work as assigned. A Captain may also perform the same duties as a Firefighter.

(4) Firefighter

Under the direction of the Chief, Assistant Chief, and Captain, provides direct services, individually and as a member of a team in response to fire, rescue, hazmat, and other incidents.

(5) Emergency Medical Responder

Under the direction of the Chief, Assistant Chief, and Captain, provides direct services, individually and as a member of a team in response to medical, rescue, hazmat, and other incidents.

(6) Secretary

Secretary position provides administration and record keeping support to the Fire Department. This position requires an individual who possesses excellent organizational skills and the disposition to work well with other department members, local government representatives and the public. Must have good working knowledge of word processors and spreadsheets. Must be willing to learn new software for the fire service. The position is under the direction of the Fire Chief and Assistant Fire Chief in the Chief's absence.

(7) Health & Safety Officer

The Health & Safety Officer (HSO) shall report directly to the Fire Chief or the Fire Chief's designated representative. The HSO shall administer and manage the fire department occupational safety and health program.

ARTICLE 3 - Membership Titles & Membership Eligibility

(1) Active Members

An active member shall be a competent and experienced member who is actively engaged in one of the following: firefighting, administration, medical services, fire prevention services, and/or rescue functions of the department. All active members shall meet the requirements of Wisconsin Administrative Code SPS 332 and have been on the department for a minimum of 1 year. Active members must be 18 years old of age or older. All members shall be residents of the Village of Lake Nebagamon. Non-residents may be members with a recommendation from a LNVFD Officer.

(2) Probationary Members

Probationary members are members in training to become an active member of the department. They will have a probationary term of one year from their "hire" date in the department. They will not be able to: operate apparatus, power equipment, and tools or participate in emergency scenes (unless the probationary member has completed orientation training and has received written approval from the Fire Chief). A probationary member must be 18 years old of age or older.

(3) Active Firefighters:

An active firefighter is a competent, experienced firefighter actively engaged in firefighting and rescue functions of the department. All active firefighters shall meet the requirements of the Wisconsin Administrative Code of SPS 330 & SPS 332 and further meet the requirements of Active Member status in the department.

(4) Probationary Firefighter:

A Probationary Firefighter is a firefighter in training to be an Active Firefighter. They will have the title and status of a Probationary Member.

(5) Active Emergency Medical Responder (EMR):

An Active EMR shall be licensed through the State of Wisconsin as an Emergency Medical Responder and possess a license in good standing with the state. An Active EMR shall be deliberately engaged in medical and rescue functions of the department. All Active EMRs shall meet the requirements per Ch. 256, Wis. Stat., and Wisconsin Administrative Code DHS 110.

(6) Probationary Emergency Medical Responder (EMR):

A Probationary EMR is an EMR in training to be an Active EMR. They will have the title and status of Probationary Member.

(7) Auxiliary Member

An Auxiliary Member will perform tasks including but not limited to administrative and support role functions for the department. They shall not participate in a primary role on an emergency scene unless authorized to do so by the Fire Chief or the next highest ranking officer on the scene.

(8) Junior Firefighter/EMS

Junior Firefighter/EMS members must be age 16 or older to be eligible to join the LNVFD. Junior Firefighter/EMS members must have written permission from a parent/legal guardian and written approval from the Fire Chief. They shall not participate in a primary role on an emergency scene.

(9) Non-Active Member

A Non-Active Member is a member that has not attended a fire department meeting/training and/or emergency call within a calendar year of their last attendance. Non-Active Members will forfeit all positions, voting rights and return all equipment issued to them by the LNVFD.

ARTICLE 4 - Meetings

(1) Regular Meetings

Regular Meetings will be held on the second and last Thursday of every month unless rescheduled by the Fire Chief and/or voted on by the Fire Department Members.

(2) Officer Meetings

Officer Meetings will be held quarterly, at a minimum during the calendar year.

(3) Robert's Rules of Order

All meetings shall follow Robert's Rules of Order.

ARTICLE 5 - Elections & Appointments

(1) Eligibility

Fire Chief
Must have completed Wisconsin's Technical Colleges Fire Programs (Entry Fire 1 & 2, Firefighter 1, Firefighter 2 and a state-sponsored officer class, or have filed and completed reciprocity with the State of Wisconsin that meets or exceeds the aforementioned Wisconsin Technical College Programs. The Chief must be an eligible elector in the Village of Lake Nebagamon and have been active (qualifying and maintaining the requirements of the stipend program) for at least 3 years.

Assistant Chief
Must have completed Wisconsin's Technical College Fire Programs: Entry Fire 1 & 2, Firefighter 1 and must complete or be enrolled in Fire Officer 1 class by October 1, 2019. Failure to complete the class will result in forfeiture of position. Must be a member of the fire department for a minimum of 3 years. Must be able to attend 50% of the meetings.

Captain
Must have completed Wisconsin's Technical College Fire Programs: Entry Fire 1 & 2, Firefighter 1 and must complete or be enrolled in Fire Officer 1 class by October 1, 2019. Failure to complete the class will result in forfeiture of position. Must be a member of the fire department for a minimum of 2 years. Must be able to attend 50% of the meetings.

Secretary
Must have good typing skills. Must have a good working knowledge of word processors and spreadsheets. Must have good organizational skills. The Secretary position shall be appointed by the Fire Chief for a 2-year term in odd years.

Health & Safety Officer
The Health & Safety Officer (HSO) shall be appointed by the Fire Chief for a 2-year term in odd years.

(2) Election Process

All Officers shall be elected to a 2-year term. Elections shall be held annually in April with nominations held during the first meeting of the month. Elections can be postponed by a 2/3 majority vote of present department members at a meeting. Qualified Candidates will be listed

accordingly. Nominations will be cast by silent ballot. Fire Dept. Members must be present in order to cast a nomination ballot. Nomination ballots will be counted by the Clerk/Administrator and/or Village Trustee. Candidates have the right to decline the nomination. If the position is contested, ballots will be sent out to the department members through the USPS and will be placed in a ballot box at the Village Office. At the second Fire Department meeting in April, ballots will be counted by the Village Clerk/Administrator and/or Village Trustee. If the position is not contested, it will be moved forth as a unanimous ballot.

Fire Chief elections will be held in even numbered years. Assistant Chief and Captain elections will be held during odd numbered years. Number of Captain positions will be determined based upon the amount of Firefighter and/or EMR personal on the roster with a base of 7. (e.g. 1 to 7 Firefighters/EMRs there would require 1 Captain Position, 9 Firefighters/EMRs would require 2 Captain positions.)

(3) Appointments

The Fire Chief has the power to appoint personal to positions if there is a need and/or a vacancy in positions, with recommendation from LNVFD Officers.

ARTICLE 6 - Standard Operating Procedures & Standard Operating Guidelines

The Fire Department shall operate under Standard Operating Procedures (SOP) & Standard Operating Guidelines (SOG) to be published and kept available at the fire hall.

Standard Operating Procedure shall contain Fire Department Administrative Policies (e.g., Zero Tolerance Alcohol and Drug, and Stipend Program Policy)

Standard Operating Guidelines shall contain guidelines and policies pertaining to Emergency Scene Operations, Apparatus & Equipment Operations.

Revised July 2, 2019

§5.11 FIRE INSPECTIONS

A. The Lake Nebagamon Volunteer Fire Department is designated as the agency to conduct fire inspections for the Village of Lake Nebagamon
B. The Fire chief of Lake Nebagamon Volunteer Fire Department shall have the power to appoint one or more deputy fire inspectors and shall perform all duties required of the fire inspector by the laws of the State and rules of the Department of Safety and Professional Services, particularly Sec 101.14 WI Stats.
C. While acting as Fire Inspector pursuant to Sec 101.14(2), WI Stats. The Fire Chief or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Lake Nebagamon at all reasonable hours of the purpose of making inspections or investigations which, under the provision of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of the Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and if such directions be not complied with, to report such noncompliance to the Village Board for further action.
D. The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected by conditions liable to cause fire, or any violations of any law or ordinance relating to the prevention of fires. Pursuant to the Wisconsin Administrative Code Chapter SPS 314.01(13)(b)(7) Chief of the Fire Department is authorized to reduce the frequency of fire inspections under Wisconsin Administrative Code Chapter SPS 314.01(13)(b)(1) to at least once per the calendar year, provided the interval between those inspections does not exceed 15 months. The Chief of the Fire Department may require or conduct more frequent inspections than required under this subsection.
E. Written reports of inspections shall be made and kept on file in the office of the Chief of Lake Nebagamon Volunteer Fire Dept. in the manner and form required by the Department of Safety and Professional Services. A copy of such reports shall be filed with the Fire Chief.
F. Any violation found during a fire inspection must be corrected within the assigned time period or a fine of $100 will be assessed per day the violation exists. Each violation will be treated individually.

§5.12 OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE

A. PURPOSE

This Ordinance is intended to promote and safeguard the public health, safety, living conditions, comfort and welfare of the citizens of the Village of Lake Nebagamon due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

B. APPLICABILITY

This ordinance applies to all outdoor burning and refuse burning within the Village of Lake Nebagamon.

1. This ordinance does not apply to grilling or cooking when using charcoal, wood, propane or natural gas in cooking or grilling appliances, or appliances designed for camp/outdoor cooking.
2. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in §5.12(D) of this ordinance.
3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
4. As stated in NR 429.04(e), Burning of small amounts of dry combustible rubbish (not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products) is allowed.

C. SEVERABILITY

1. 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.

D. DEFINITIONS

1. Campfire - a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
2. Clean Wood - natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
3. Confidential Papers - printed material containing personal identification or financial information that the owner wishes to destroy.
4. Fire Chief - The Chief of the Village of Lake Nebagamon Volunteer Fire Department or other person authorized by the Fire Chief.
5. Outdoor Burning - kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chimney.
6. Outdoor Wood-fired Furnace - a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
7. Refuse - any waste material except clean wood.

E. GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

1. Open burning, outdoor burning and refuse burning are prohibited in the Village of Lake Nebagamon unless the burning is specifically permitted by this ordinance.

F. MATERIALS THAT MAY NOT BE BURNED

1. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Village of Lake Nebagamon will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
2. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
3. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
4. Asphalt and products containing asphalt.
5. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
6. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
7. Rubber including tires and synthetic rubber-like products.

G. OPEN BURNING OF LEAVES BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

1. Open burning of leaves, weeds, brush, stumps, clean wood or other vegetative debris is allowed only in accordance with the following provisions:
    a. All allowed open burning shall be conducted in a safe nuisance-free manner when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
    b. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
    c. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

d. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
e. Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
f. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
g. Burning of trees, limbs stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.
h. Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.
i. Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under §5.12(K) of this ordinance.
j. Except for campfires, open burning under this section shall only be conducted at a location at least 150 feet from the nearest structure that is not on the same property, or fence lines between properties.
k. Except for campfires and permitted bonfires, open burning shall only be conducted from the hours of 6pm and 12am.
l. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
m. No material may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
n. Except for tables with fire insert, barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

H. OUTDOOR WOOD-FIRED FURNACES

1. An outdoor wood-fired furnace may be used in the Village of Lake Nebagamon only in accordance with the following provisions:
    a. The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in §5.12(F) of this ordinance.
    b. Outdoor Wood-Fired Furnaces must be in compliance of the Village of Lake Nebagamon Zoning Ordinance §17.0

I. FIRE DEPARTMENT PRACTICE BURNS

1. Notwithstanding §5.12(E) and (F) of this ordinance, the Village of Lake Nebagamon Volunteer Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

J. BURNING PERMITS

1. No person shall start or maintain any open burning without an annual burning permit issued by the Village of Lake Nebagamon.
2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
3. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under §5.12(G) of this ordinance shall obtain a burning permit before starting the fire.
4. The owner or occupant of the property shall obtain an annual burning permit for each burn barrel before using the burn barrel.
5. When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
6. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
7. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the issued permit.

K. LIABILITY

1. Any person utilizing or maintaining an outdoor fire or other fire risk in violation of this ordinance may be responsible for all fire suppression costs and any other civil or criminal liability resulting from damage caused by any such fire.

L. RIGHT OF ENTRY AND INSPECTION

1. The Fire Chief, or any authorized employee(s) of the Village of Lake Nebagamon, who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose a special inspection warrant may be obtained in accordance with Wis. Stats. §66.122 & §66.123.

O. ENFORCEMENT AND PENALTIES

1. The Fire Chief and the Village of Lake Nebagamon Police Officer are authorized to enforce the provisions of this ordinance.
2. The penalty for violation of any provision of this section shall be, at minimum penalty as provided in §15.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues, or on each occasion of offense after citation and a reasonable opportunity to cure.

3. Pursuant to section M, any such liability or responsibility will be for costs as noted by the Fire Chief or any other aggrieved party, and may include the mobilization costs of the LNVFD, and resultant damage.

CHAPTER 6

PUBLIC WORKS

§6.01 Snow & Ice Removal
§6.02 Tree Trimming & Sanitation
§6.03 Installation & Maintenance of Driveways & Culverts

§6.01 SNOW AND ICE REMOVAL

A. Responsibility of Owner, Occupant, Etc. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Lake Nebagamon fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot as the case may be of snow or ice to the width of such sidewalk by 10:00am of each day and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with ashes, sawdust or sand; provided also, that in case snow shall continue to fall during and after 10:00am, then it shall be removed within three hours of daylight after it shall cease to fall.

B. Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code. A separate offense shall be deemed committed during each hour or part thereof during which a violation occurs or continues.

§6.02 TREE TRIMMING & SANITATION (Amended 7/2/19)

A. Maintenance of Vegetation in Public Areas Any trees, shrubs, weeds or vegetation extending into a public area or within the right of way of a road (on the sides or above) may be maintained by the Village Weed and Health Officers to allow for safe public use. Maintenance includes, but is not limited to, pruning, mowing, cutting or removal.

A. Hazardous and Infected Trees Any tree or part thereof, whether alive or dead, which the Village Office shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Zoning Administrator shall give written notice to said owner to remedy the situation, which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Zoning Administrator on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Zoning Administrator shall cause the tree to be removed, treated or trimmed and shall report the

full cost thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.

B. Cottonwood and Box Elder Trees Prohibited No person shall plant or maintain within the Village of Lake Nebagamon any female tree of the species "Populus deltoids", commonly called the "Cottonwood", or any tree commonly called the seed-bearing Box Elder or Acer Negundo, which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance. Any person having any such trees on his premise shall cause the same to be removed. If any owner shall fail to remove any such tree within 30 days after receiving written notice from the Village Office, the Public Works Department shall cause the removal of such tree and report the full cost thereof to the Village Clerk who shall place such charge upon the next tax roll as special charge against the premises.

C. Planting of Certain Trees Restricted No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village of Lake Nebagamon unless he shall first secure written permission from the Village Office, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system.

D. Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

§6.03 INSTALLATION AND MAINTENANCE OF DRIVEWAYS AND CULVERTS

(amended 8/6/2019)

A. Permit Required Before constructing a driveway and/or installing a culvert, a proper permit must be secured from the Zoning Administrator. There shall be no fee for this permit. Driveways must adhere to the stipulations set forth in the Lake Nebagamon Zoning Ordinance and all culverts installed after the adoption of this ordinance must be a minimum of 18 inches in diameter.

B. Maintenance Required It shall be the homeowners responsibility to maintain drainage flow through any and all culverts located under their driveway. Failure to maintain such drainage flow will result in the Weed & Health Officers, or contract employee, completing the work after giving a seven day written notice to property owners. Such property owners will be invoiced based on the amount of equipment and labor time required to complete the work. Any damage to the property or the Village equipment sustained during the act of maintaining the property will be the responsibility of the property owner, and will be listed on the invoice. Failure to pay the invoice in 90 days will result in either

- the balance being charged as a special assessment on the property tax bill; OR
- the balance turned into Statewide Debt Collection with the Wisconsin Department of Revenue.

C. Reporting Offending properties can be reported to the office through the Village complaint process.

CHAPTER 7

BUILDING REGULATIONS

§7.01 Uniform Dwelling Code
§7.02 Flammable Liquids
§7.03 Fire District Regulations
§7.04 Penalties
§7.05 Energy Conservation Code

§7.01 UNIFORM DWELLING CODE

A. Authority These regulations are adopted under the authority granted by Wis. Stat. § 101.65.

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

C. Scope The scope of this ordinance includes the construction and inspection of one and two family dwellings and habitable additions or accessory buildings or attached garages. It does not include boat houses, gazebos or detached garages, they are covered in another section.

D. Wisconsin Uniform Dwelling Code Adopted The Wisconsin Uniform Dwelling code, chs. comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

E. Building Inspector There is hereby created the position of Building Inspector, (contracted) who shall administer and enforce this ordinance and shall be certified by the Division of Safety and Buildings, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC, HVAC, UDC Electrical, and UDC Plumbing.

F. Building Permit Fee The building permit fees shall be submitted by contracted inspector and approved by the Village Board.

G. Penalties The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than $25 nor more than $1000 for each day of noncompliance.

§7.02 FLAMMABLE LIQUIDS

The WI Adm. Code, Chapter Ind. 8 (Flammable Liquids code), issued by the Industrial Commission of Wisconsin, is hereby adopted by reference as a part of this ordinance, and it shall be the duty of the Building Inspector to enforce the provisions thereof.

§7.03 FIRE DISTRICT REGULATIONS

All that part of the Village of Lake Nebagamon included within the following described territory shall be known as the fire district:

A. Fire District The fire district limits in the Village of Lake Nebagamon shall be that area within the district limits as shown on an official map, entitled and marked "Official Map of the Fire District Limits of the Village of Lake Nebagamon". Said map, the original copy of which is filled in the office of the Clerk, is hereby adopted as the official map of the fire district of the Village of Lake Nebagamon. The Fire District codes and regulations are in the Zoning Codes of Lake Nebagamon.

B. Definitions The terms "fire-resistive construction", "mill construction", "ordinary construction", "frame construction" and "fire-retardant roof coverings" shall have the meaning as defined in the WI Adm. Code, ss. Ind 51.001, 51.01, 51.02, 51.03 and 51.07of the Wisconsin State Building code.

C. Bulk Oil Tanks Prohibited The storage of Class I and Class II flammable liquids, as defined in s. Ind 8.001, WI Adm Code, in above ground tanks outside of buildings is prohibited within the fire district.

D. Razing Old or Damaged Buildings Any existing building of frame construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than ½ of its value, exclusive of the foundation, as determined by the Village Assessor, shall not be repaired or rebuilt, but shall be ordered removed by the Building Inspector under the provisions of Wis. Stat. § 66.05.

E. Fire-Retardant Roofing

1. Every roof hereafter constructed within the fire district, including buildings listed in sub. (3)(b), shall be covered with a roofing having a fire-resistive rating equivalent to "Class B" or better of the Underwriters Laboratories, Inc. classification in their "list of Inspect Materials", which is hereby adopted by reference and incorporated in this section as if fully set forth herein.
2. No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of par. (a) of this section.

F. The Building Inspector (or Fire Chief or other designated person) is hereby authorized and it shall be his/her duty to enforce the provisions of this ordinance.

G. Memorandum of Understanding between the Village of Lake Nebagamon and the Wisconsin Conservation Department For the establishing of responsibility, procedure, and mutual assistance in the suppression of fires within their respective legal jurisdiction and responsibility.

Under Wis. Stat. § 26.11 part one, the Conservation Commission of Wisconsin is vested with power, authority, and jurisdiction in all matters relating to the detection and suppression of forest fires outside the limits of incorporated villages. Under Wis. Stat. § 26.12 part one, the Conservation Commission of Wisconsin may by rule establish an intensive Forest Protection District in areas where they feel there is a need of protection from forest fires. Wisconsin Administrative Code 30.01, part one, established Forest Protection District #1 as an intensive district including all lands in Bayfield and Douglas Counties outside of the limits of incorporated cities and villages.

The incorporated Village of Lake Nebagamon, Douglas County Wisconsin, located within Forest Protection District #1, but not part of it, is approximately 26 miles square in size, has many areas of dense field, marsh, and forest cover, and could by its location and nature complicate the problem of fire detection by District #1 Unless the same system of fire detection is carried on in the Village as with District #1.

The Village of Lake Nebagamon has established for protection from fire a unique fire department both in personnel and equipment and has passed a mutual aid agreement with the Department of Natural Resources, which is as follows:

Setting of Fires Regulated The Village Board of the Village of Lake Nebagamon do ordain as follows: No person shall set any fire except for warming the person or cooking food within the limits of the Village of Lake Nebagamon at any time of the year except when the ground is snow covered unless written permission has been received beforehand from a duly appointed fire warden.

Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

H. Fire Warden The Wisconsin Conservation Department shall appoint an emergency fire warden or designate an individual as a permit-issuing agent within the limits of the Village of Lake Nebagamon. It will also provide this person with the necessary forms so that he or she may issue burning permits under the Village ordinance governing the setting of fires with the Village limits of Lake Nebagamon and under state law to people wishing to burn material in the surrounding area of the Village of Lake Nebagamon. The restrictions governing the issuing of these permits shall be given by the district ranger of District #1.

Burning permits will be issued by the Village Office in accordance with Department of Natural Resources Guidelines.

Whenever smoke is located within the limits of the Village of Lake Nebagamon which appears to be from a wild running fire or is not accounted for, the district dispatch office

will so inform the fire chief of Lake Nebagamon or his assistant and also cause an investigation to be made of the smoke as he would if such condition existed within the district. The person or persons directed by the State to investigate the smoke will take the same normal action as we would on a smoke within the district, but when in contact with the fire chief or his/her assistants they will work or be released under the fire chief's direction. In case the smoke was a result of illegal burning, he/she will turn all information concerning the matter over to the fire chief.

The Lake Nebagamon Fire Department may request assistance on all fires within the Village limits and the Wisconsin Conservation Department will render all assistance possible in the Village within the limits of its resources and facilities without charge to the Village. All requests for assistance should be directed to the district forest ranger or his/her assistants at Brule, Wisconsin.

The conservation department will generally be concerned with the suppression of forest field, and marsh fires, or any wild ire clearly defined under Wis. Stat. § 26.11.

Within District #1 but within an area reasonably closed to the Village of Lake Nebagamon, a forest ranger or an emergency fire warden may request assistance from fire department to suppress forest fires, which are threatening buildings, or when sufficient other manpower is not available.

The fire department agrees to contribute its fire suppression services to the Wisconsin Conservation Department without requesting pay.

The fire department agrees to make every effort possible to immediately notify the Conservation Department when they have knowledge that a forest fire, or a fire which may become a forest fire, is burning within the limits of District #1.

This notice to be made at the earliest practical moment in the best available manner to the area Ranger or Forest Ranger at Brule, Wisconsin.

§7.04 PENALTIES

In addition to the revocation provisions herein, the penalty for violating any provision of this chapter shall be as provided in § 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.

§7.05 ENERGY CONSERVATION CODE

A. Chapter Ind. 22, Wisconsin Administrative Code, Energy Conservation Standards Chapter of the One and Two Family Dwelling Code, as adopted and effective December 1, 1978, and all amendments thereto, is adopted and incorporated in this code by reference.

B. The Building Inspector, as certified by the Department of Industry, Labor and Human Relations and his/her designated representatives are hereby authorized and director to administer and enforce all of the provisions of Chapter Ind. 22.

CHAPTER 8

SHORELAND-WETLAND ZONING ORDINANCE

Refer to the Zoning Ordinance Book
Adopted update April 15, 2013

CHAPTER 9

PLANNING AND ZONING

Refer to the Zoning Ordinance Book
Adopted update April 15, 2013

CHAPTER 10

(Amended 4/09/19)

HEALTH AND SANITATION

§10.01 Health Officer: Duties and Powers

§10.02 Keeping of Animals and Fowl

§10.03 Control of Weeds and Grasses

§10.04 Penalties

§10.01 WEED & HEALTH OFFICERS: DUTIES AND POWERS

A. How Selected See § 2.02 of this code.

B. General Duties The Village Weed & Health Officers under the supervision of the Treasurer / Administrator / Zoning Administrator shall:

1. Investigate complaints related to Chapter 10 of this Ordinance.
2. Complete supervisor approved work under 10.02 of this Ordinance.

§10.02 KEEPING OF ANIMALS AND FOWL

A. Sanitary Requirements All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors. Interior walls, ceilings, floors partitions and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, rabbit, skunk or similar animal kept as a pet, shall be whitewashed or painted annually or as often as the Weed & Health Officer shall direct.

B. Animals Excluded from Food Handling Establishments No person shall take or permit to remain any dog, cat, or other live animal on or upon any premises where food is sold, offered for sale, or processed for consumption by the general public.

§10.03 CONTROL OF PLANTS, WEEDS AND GRASSES (Amended 7/2/19, 8/6/19)

It is declared a nuisance for any person to allow or permit any weeds, such as jimson, burdock, ragweed, thistle, coclebur or other weeds, to grow in any lot or tract of land zoned commercial or R-1. No person owning property in such zoning districts shall allow weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height in excess of 9". Under the direction of the Weed & Health Officers, the Village enforces ordinance 10.03 - Control of Weeds and Grasses for unsightly growth. Failure to cut grass and/or weeds in excess of 9 inches will result in the Weed & Health Officers, or contract employee, completing the work after

giving a seven day written notice to property owners. Such property owners will be invoiced based on the amount of equipment and labor time required to complete the work. Any damage to the property or the Village equipment sustained during the act of maintaining the property will be the responsibility of the property owner, and will be listed on the invoice.

Failure to pay the invoice in 90 days will result in either

- the balance being charged as a special assessment on the property tax bill; OR
- the balance turned in to Statewide Debt Collection with the Wisconsin Department of Revenue.

Offending properties can be reported through the Village complaint process.

§10.04 PENALTIES

The penalty for violation of any provision of this chapter shall be a penalty as provided in § 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

CHAPTER 11

LICENSES AND PERMITS

§11.01 Intoxicating Liquor and Fermented Malt Beverage
§11.02 Peddlers, Canvassers and Transient Merchants
§11.03 Mobile Home Parks
§11.04 Cigarettes
§11.05 Regulation and Licensing of Dances
§11.06 Regulation and Licensing of Dogs

§11.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

A. State Statutes Adopted The provisions of Wis. Stat § 125 relating to the sale of intoxicating liquor and fermented malt beverages, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this ordinance by reference.

B. Licenses

1. When Required No person, except as provided by sub. (1) of this section, shall distribute, vend, sell, offer or 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 section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the State and Village applicable thereto.
2. Separate License Required for Each Place of Sale A separate license shall be required for each stand, place, room or enclosure for each suite of rooms or enclosures which are in direct connection or communication where intoxication liquor or fermented malt beverages are kept, sold or offered for sale, and no license shall be issued to any person, fire, partnership, corporation or association 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.

C. License Fee There shall be the following classes and denominations of licenses, which when issued by the Village Clerk under the authority of the Village Board after payment of the fee hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in Wis. Stat. § 125.26.

1. Class “A” fermented malt beverage retailer’s license $20 per year.
2. Class “B” fermented malt beverage retailer’s license $60 per year.
3. Beverage operator’s license $10 per year per Wis. Stat. § 125.17.
4. Retail Class “B” liquor license $300 per year.
5. Temporary Class “B” (VLN Picnic License) liquor licenses shall be issued pursuant to Wis. Stat. § 125.26(6). Licenses may be issued to bona fide clubs, to

county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed $10. An official or body authorized by a municipal governing body to issue temporary Class "B" licenses may, upon issuance of any temporary Class "B" license, authorize the licensee to permit underage persons to be on the premises for which the license is issued.

D. License Restrictions In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in sub.(1) of this section, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

1. Requirements for Licenses No license or permit shall be issued to any person who is not 18 years of age or over, of good moral character, a citizen of the United States and the State of Wisconsin and has not resided in the Village continuously for at least one year prior to application. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of this State punishable by imprisonment in the state prison unless such person has been pardoned. This paragraph shall not apply to Wisconsin corporation but shall apply to all officers and directors of any such corporation.
2. Effect of Revocation of License No license shall be issued for any premises of 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 section revoked within 12 months prior to application.
3. Inspection of Application and Premises The Village Clerk shall notify the Health Officer, or Building Inspector of all license and permit applications, and these officials 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. These officials shall furnish to the Village Board in writing the information derived from such investigation. No license or permit provided for in the section shall be issued without the approval of a majority of the Village Board, and no license shall be renewed without a re-inspection of the premises and report as herein required.
4. Health and Sanitation No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Industrial Commission and the State Board of Health and to all such ordinances and regulations adopted by the Village.
5. Tax Delinquencies No license shall be granted for operation on any premised upon such taxes or assessments or other financial claims of the Village are delinquent or unpaid.

6. Location of Premises (optional) No retail Class "A" or "B" fermented malt beverage license or liquor license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital or church or any residence district. Such distance shall be measured via the shortest route along the highway from the closest point of the boundary of such school, church, or hospital to the closed entrance to such premises.

E. Search of Licensed Premises It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the Village of Lake Nebagamon without any warrant, and the application for a license hereunder shall be deemed consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section.

F. Posting Licenses License or permits issued under this section shall be posted and displayed as provided in Wis. Stat. § 125.51(10)(a) and any licenses or permitee who shall fail to post his license or permit as herein required shall be presumed to be operating without a license.

G. Regulation of Licensed Premises

1. Sale of Beer to Minors Restricted (optional) The provisions of Wis. Stat. § 125.07 shall apply to the sale of fermented malt beverages to persons under 18 years of age when not accompanied by a parent, guardian or adult spouse.
2. 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.

H. Revocation and Suspension of Licenses

1. Procedure Except as hereinafter provided, the provisions of Wis. Stat. § 138.14(9) shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.
2. Suspension of Licenses The Village President or the Police Officer, upon obtaining reasonable information that any licensee has violated any provision of this section or any State or Federal Liquor or fermented malt beverage law or committed any felony may suspend the license or permit of such person for a period not to exceed ten days pending hearing by the Village Board pursuant to par. (a).
3. Automatic Revocation Any license or permit issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or permitee or his/her employee, agent or representative of a second offense under this ordinance or the Wisconsin Statutes or any other State or Federal liquor or fermented malt beverage law or any felony.
4. Repossession of License or Permit Whenever any license or permit under this section shall be revoked or suspended by the Village Board, Village President, Police Officer or action of any court or par.(c) it shall be the duty of the Clerk to

notify the licensee or permitee of such suspension or revocation and to notify the Police Officer who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk's office.

I. Penalty The penalty for violation of any of the provisions of this section shall be a penalty as provided in § 15.04 of this code, provided that no penalty imposed shall exceed the maximum allowed by the Wisconsin Statutes. A separate offence shall be deemed committed on each day on which a violation occurs or continues.

§11.02 PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS

A. License Required No person shall engage in the business of peddler, hawker, trucker, solicitor, canvasser, or transient merchant within the Village of Lake Nebagamon without first obtaining a license from the Police Officer in compliance with the provisions of this section.

B. Exemptions This section or any part thereof shall not apply to the following: newsboys; merchants delivering goods in the regular course of business; vendors of milk, bakery goods groceries or ice distributing products to only regular customers on established routes; farmers and truck gardeners; religious, charitable, patriotic or philanthropic organizations selling property at wholesale to dealers; person holding a State license issued pursuant to Wis. Stat. § 129.02, but such persons shall comply with the provisions of sub.(8)(c), (d) and (e) of this section.

C. Application At the time of filing application, an investigation fee of $10 shall be paid to the Village Treasurer to cover the cost of investigation of facts stated in the application. The application shall be sworn to be the applicant and filed with the Police Officer and shall contain such information as the Police Officer shall require for the effective enforcement of this section and this safeguarding of the residents of the Village from fraud, misconduct or abuse.

D. Investigation: Issuance Upon receipt of each such application, the Police Officer shall immediately institute such investigation of applicant's business and moral character as he deems necessary for the protection of the public good, and shall endorse his approval or disapproval upon said application within 72 hours after it has been filed with him, and shall issue or deny the license in accordance with his findings after presentation by the applicant of a receipt of the Village Treasurer showing payment of the required fee.

E. Fee The fee for a peddler's license shall be $10 per day; $20 per week; $50 per month; $200 per year. The fee for a transient merchant's license shall be $15 per day; $60 per week; $150 per month; $500 per year. Annual licenses issued on or after July 1st shall be issued for ½ the required fee annually. No fee shall be required for a solicitor or canvasser license. Peddlers may employ one assistant and transient merchant two assistants without payment of an additional license fee, but such persons must comply with the other provisions of this section.

F. Bond If the Police Officer determines from his investigation of said application that the interests of the Village or of inhabitants of the Village require protection against possible

misconduct of the licensee or that the applicant is otherwise qualified but due to causes beyond his/her control is unable to supply all of the information required by sub.(3), he may require the applicant to file with the Village Clerk a bond in the sum of $500 with surety acceptable to the Village President running to the Village and laws of the State relating to peddlers, canvassers or transient merchant and guaranteeing to any citizen of the Village of Lake Nebagamon doing business with him that the property purchased will be delivered according to the representations of applicant, provided that action to recover on any such bond shall be commenced within six months after the expiration of the license of the principal.

G. Expiration: Renewal: Transfer The Police Officer shall date all licenses issued hereunder and shall specify thereon the fee paid and date of expiration. Annual Licenses shall be issued on a calendar year basis and expire December 31st of the year issued. Applications for renewals shall be handled in the same manner as original applications. Licenses issued under this section are personal and may not be transferred.

H. Regulations and Restrictions

1. Consent Required No peddler, canvasser or transient merchant as herein defined shall go in or upon any private residence, business establishment or office in the Village for the purpose of soliciting orders for goods, wares and merchandising or peddling or hawking the same or soliciting subscriptions for magazines or other periodicals without having been requested or invited to do so by the owner or owners, occupant or occupants of said place.
2. Persons licensed under this section shall carry their license with them while engaged in licensed activities and shall display such licenses to any Police Officer or citizen upon request.
3. Misrepresentation Prohibited No licensee shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business of his principal, if any, nor the source of supply of the goods, wares or merchandise which he sells or offers for sale nor the disposition of the proceeds or profits of his sales.
4. Loud Noises and Speaking Devices No licensee, nor any person in his/her behalf shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the Village or upon private premises where sound of sufficient volume emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attraction of attention to any goods, wares or merchandise which such licensee proposes to sell.
5. Use of Streets No licensee shall have any exclusive right to any location in the public streets, nor shall any licensee be permitted a stationary location thereon nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this ordinance, the judgment of a Police Officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

I. Suspension or Revocation of License Licenses issued under the provisions of this section may be revoked or suspended by the Village President for a period not to exceed five days pending hearing by the Village Board for fraud, misrepresentation or incorrect statement contained in the application or made in the course of carrying on business; conviction of licensee of any crime or misdemeanor or conduction the licensed business in than unlawful or disorderly manner or in such manner as to menace the health, safety or general welfare of the public.

J. Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

§11.03 MOBILE HOME PARKS (amended 7/2/19)

A. State Statutes Adopted The provisions of Wis. Stat. § 66.058 - Mobile Home Parks - and the definitions therein are hereby adopted into the Municipal Code of the Village of Lake Nebagamon.

B. License Required It shall be unlawful for any person to establish or operate within the Village of Lake Nebagamon a mobile home park without having first secured a license from the Village Clerk. The license will expire one year from the date of issue with annual renewal required. Wis. Stat. § 66.058(2)(a).

C. Annual Park License Fee The Village of Lake Nebagamon shall exact from the licensee an annual license fee of not less than $100 by August 20th of each year. Failure to pay this annual park license fee shall be cause for revocation of his or her mobile home park license. Wis. Stat. § 66.058(3)(a).

D. Parking Permit Fee A monthly parking permit fee shall be applicable to mobile homes moving into the tax district any time during the year. The licensee shall furnish information to the tax district clerk and the assessor on mobile homes added to the park within 5 days after their arrival, on forms provided by the village clerk. As soon as the assessor receives the notice of an addition of a mobile home to a park, the assessor shall determine its fair market value and notify the clerk of that determination. The clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual parking permit fee thus determined by 12 and notify the mobile home owner and the licensee of the monthly fee to be collected. Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the mobile home only for such months as the mobile home remains in the tax district. Existing homes in the park will begin this program in January of 2020. Wis. Stat. § 66.058(3)(c).

   a. A new monthly parking permit fee and a new valuation shall be established for each renter by January of each year, and shall continue for that calendar year.
   b. The licensee of a park shall be liable for the monthly parking permit fee for any mobile home occupying space therein, and will transmit this parking permit fee for each mobile home in the park to the local taxing authority on or before the 10th of the month following the month for which such parking permit fee is due.

Collection from the mobile home owners will be left to the licensee. Failure to transmit these fees as assessed shall be cause for revocation of licencee's mobile home park license. Wis. Stat. § 66.058(3)(c)(6).

c. The mobile home park operator will keep an updated tenant list with the Village Clerk. Changes to tenant status are to be reported within 5 days of arrival or departure.
d. Occupants of mobile homes located outside of a mobile home park shall report their location to and remit such assessment fees directly to the Village Clerk.
e. Penalty The penalty for violation of this section shall be a penalty as provided for in § 15.04 of this code, except where revocation of licensure is indicated.

§11.04 CIGARETTES

A. No person shall in any manner, directly or indirectly, manufacture, sell, exchange, dispose of or give away any cigarettes, cigarette papers, or wrappers without first obtaining a license from the Village Clerk in the manner provided in Wis. Stat. § 134.65. This section shall not apply to jobbers or manufacturers doing interstate business with customers outside Wisconsin.
B. Fee The fee for such cigarette license shall be $10 and the Treasurer receipt therefore must be presented to the Clerk before he shall issue any license hereunder.
C. Form of License, Expiration, Transfer All cigarette licenses shall be signed by the Village Clerk and indicate thereon the name of the licensee and the place where he/she is authorized to conduct the licensed business and shall expire on June 30th next succeeding the date of issue. A license issued hereunder may be transferred from the license to another owner, but no license shall be transferred as to the location of the licensed premises.
D. Penalty The penalty for violation of any provision of this section shall be as provided in § 15.04 of this code. A separate offense shall be deemed committed on each day upon which a violation occurs or continues. If any person shall be convicted of a second or subsequent violation of the provision of this section and the court in its judgment shall determine that personally guilty of a failure to exercise due care to prevent violation, these privileges shall terminate immediately and they shall not be entitled to another license nor act as an agent or servant of another licensee for five years thereafter.

§11.05 REGULATION AND LICENSING OF DANCES

A. All public dance hall within the Corporation limits of said Village shall pay a license fee of $5 per annum, said fee to be paid to the Village Clerk on application for said permit.
B. The Village Board of Trustees shall have full power of Police regulation of such dance halls, and the appointing of such Police Officers shall rest the Village President. The salary of such Officer shall be set by the Village Board, and shall be paid by such dance hall operators or owners holding such permits.

C. The Village Board of Trustees reserves the right to cancel the permit of any holder at any time, if the opinions of this body such dance hall is a public nuisance.
D. No license shall be issued for any premises, which do not conform to the sanitary, safety and health requirements of the State Industrial Commission and the State Board of Health and to all such ordinances and the regulations appointed by the Village.

§11.06 REGULATION AND LICENSING OF DOGS

A. License Required It shall be unlawful for any person in the Village of Lake Nebagamon to own, harbor, or keep any dog more than six months of age without complying with the provisions of Wis. Stat. § 174.05 through § 174.10, relating to the listing, licensing, and tagging of the same.
B. Definitions In this section, unless the context or subject matter otherwise require:
    1. "Owner" shall mean any person owning, harboring or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the dog within the meaning of this section.
    2. "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.
C. Restrictions on Keeping of Dogs It shall be unlawful for any person within the Village of Lake Nebagamon to own, harbor, or keep any dog which:
    1. Habitually pursues any vehicle upon any public street, alley or highway in the Village;
    2. Assaults or attacks any person;
    3. Is at large within the limits of the Village;
    4. Habitually barks or howls to the annoyance of any person or persons;
    5. Kills, wounds or worries any domestic animal;
    6. Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
D. Duty of Owner in Cases of Dog Bite Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Health Officer and shall keep such dog confined for not less than fourteen days or for such period of time, as the Health Officer shall direct. The owner or keeper of any such dog shall surrender the dog to the Health Officer or any Village Police Officer upon demand for examination.
E. Penalty The penalty for Violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

CHAPTER 12

ORDERLY CONDUCT

§12.01 Offenses Endangering Public Safety
§12.02 Offenses Endangering Public Peace and Good Order
§12.03 Offenses Endangering Public Morals and Decency
§12.04 Offenses Against Public and Private Property
§12.05 Disposal of Garbage and Trash
§12.06 Penalties

§12.01 OFFENSES ENDANGERING PUBLIC SAFETY (AMENDED 2009)

A. It is illegal to shoot a firearm or bow within 100 yards of a building devoted to human occupancy while on lands you do not own without the permission of the owner or occupant of that building.
B. Discharging of firearms and bows near roadways.
    1. No person shall discharge a firearm, shoot an arrow from a bow, or a bolt from a crossbow within 50 feet from the roadway's center.
    2. No person shall discharge a firearm, shoot an arrow from a bow, or a bolt from a crossbow from or across a highway.
    3. No person shall maliciously throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means at any other person or at, in, or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Lake Nebagamon.
    4. The above prohibitions apply to all public roads (defined below). However, anyone hunting small game or turkey with a muzzleloader or shotgun loaded with shot size BB or smaller is exempt from these prohibitions if the roadway is unpaved (dirt, sand or gravel). However, if the adjacent land is not open to public hunting you must first have permission of the adjacent landowner.
    5. Definitions as follows:
        - **Highway** means the entire width between the boundary lines of every public road, but does not include private roads and driveways.
        - **Roadway** means the portion of the highway that is improved or ordinarily used for vehicle travel, excluding the berm or shoulder.
        - **Public Road** means those roads shown on the current, official county highway map available from the Department of Transportation.

C. Burning of Grass and Trash Restricted

1. Grass Fires Regulated No person shall kindle any grass fire within the Village of Lake Nebagamon without first securing a written permit from the Village Clerk who shall issue such permit only upon approval of and subject to any conditions for the protection of life and property imposed by the Fire Chief.
2. Trash Burning Restricted No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way park or any public or private ground within the Village within 25 feet of any building or within any fire lane unless the same be confined within a wire refuse burner, basket or metal enclosure (with a cover attached to prevent the escape of sparks and burning materials) or a type approved by the Fire Department Chief.

D. Sale and Discharge of Fireworks Restricted

1. Private use and sale No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparkler, and toy snakes within the limits of the Village unless he/she shall be authorized by a fireworks permit as hereinafter provided. The term "fireworks" as used in this section shall be defined as provided in Wis. Stat. §67.10(1), and shall be deemed to include all rockets or similar missiles containing explosive fuel.
2. Fireworks Permits Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village President. All applications shall be referred to the Fire Chief for investigation and no permit shall be granted unless the Village President from the report of the Chief determines that the applicant will be exercised with regard to the protection of the lives and property of all persons and the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Village President shall require the applicant to post with the Village Clerk and approved indemnity bond in the sum of $2000 for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.

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

§12.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER

A. Disorderly Conduct Prohibited No person shall within the Village of Lake Nebagamon:

1. In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.
2. Intentionally cause, provoke or engage in any fight, brawl, riot, or noisy altercation other than a bona fide athletic contest.

B. Drunkenness No person shall within the Village be habitually drunk or intoxicated so as to disturb the good order and quiet of the Village or be found in any place within the Village in such a state of intoxication that he/she is unable to care for his/her own safety or for the safety of others.

C. Loud and Unreasonable Noise Prohibited

1. 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:

   a. **Emergency** means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.
   b. **Emergency work** means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.
   c. **Person** means any individual, firm, association, partnership, joint venture, corporation or other entity regardless if recognized as a legal entity under the law.
   d. **Public right-of-way** means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public, which is owned or controlled by a government entity.
   e. **Public space** means any real property, owned by a government entity and normally accessible to the public, including but not parks and other recreational areas.
   f. **Residential area** means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the Village zoning regulations in the Village Office.

2. General Prohibition

   a. No person shall make, continue, or cause to be made or continued:
      1. Any unreasonably loud or raucous noise; or

2. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity within the jurisdictional limits of the city; or
3. Any noise which is so harsh, prolonged or unnatural, or unusual in time and place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

b. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
   1. The proximity of the sound to sleeping facilities, whether residential or commercial:
   2. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
   3. The time of day or night the sound occurs;
   4. The duration of the sound; and
   5. Whether the sound is recurrent, intermittent, or constant.

c. Owner/Tenant responsibility
   1. The owner and/or legal tenant of a property that is the subject of noise complaint under this division shall be liable for the violation in the event that the police have been unable or identify the person responsible for the noise;
   2. The owner and/or legal tenant of a property that is the subject of a noise complaint under this division shall be liable for the violation in the event that a property has been the subject of two noise complaint investigations within the previous 12 months and the Police have notified in writing the owner;
   3. It shall be an affirmative defense for the owner and/or legal tenant charged under A, B & C of this section if the owner and/or legal tenant provide police with the name, address and current telephone number of the person responsible for creating offending noise, or in the case of a property owner, the name, address and current telephone number of the tenant who has control over the property.

3. Noises Prohibited

The following acts are declared to be per se violations of this division. This enumeration does not constitute an exclusive list:

a. **Unreasonable noises.** The unreasonable making of, or knowingly and unreasonably permitting to be made, and unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public

street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

b. **Vehicle horns, signaling devices, and similar devices.** The sounding of any horn, signaling device, or other similar device on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the Village, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

c. **Non Emergency signaling devices.** Sounding or permitting sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non emergency purposes, from any place for more than ten consecutive seconds in an hourly period. The reasonable sounding of such devices by houses or religious worship, seasonal contribution solicitors or by the Village for traffic control purposes are exempt from the operation of this provision.

d. **Emergency signaling devices.** The intentional surrounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in 1b of this section.

    1. Testing of an emergency signaling device shall occur between 7:00am and 7:00pm. Any testing shall use only the minimum cycle test time. In no case shall such time exceed five minutes. Testing of the emergency signaling system shall occur no more than once in each calendar month, except when necessary due to repairs or replacement.
    2. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within 15 minutes of activation unless and emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this division.

e. **Yelling, shouting and similar activities.** Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00pm and 7:00am the following morning, or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

f. **Animals and birds.** Unreasonable loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the

animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels, licensed under and in compliance with licensing and permitting provisions set forth in this code are exempt from this subsection.

g. **Noise sensitive areas; schools, courts, churches, hospital, and similar institutions.** The creation of any unreasonable loud and raucous noise adjacent to any noise sensitive area while in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.

h. **Commercial establishments adjacent to residential property.** Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment including waste and recycling collections between the hours of 10:00pm and 7:00am which is plainly audible at a distance of five feet from any residential property.

i. **Radios, Televisions, Boom Boxes, Phonographs, Stereos, Musical Instruments and Similar Devices.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound between the hours of 10:00pm and 7:00am the following day in such a manner as to create a noise disturbance, or which unreasonably disturbs the peace, quiet and comfort of neighbors and passerby, or be plainly audible across a real property boundary in a residential zone, or plainly audible at a distance of 50 feet from any person in a commercial, industrial area, or public space.

j. **Public address systems; using or operating.**

    1. For any non-commercial purpose, any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance or is plainly audible across a real property boundary in a residential zone, or is plainly audible at a distance of 50 feet on a public right-of-way or on public property, or;
    2. For any commercial purpose, any loudspeaker, public address system, or similar device between the hours of 10:00pm and 7:00am the following day on a public right-of-way or public property, or such that the sound therefrom creates a noise disturbance, or is plainly audible across a real property boundary in a residential zone, or is plainly audible at a distance of 50 feet on a public right-of-way or on public property at other times.
    3. Loading, unloading, opening, closing, or other handling of boxes, crates, container, building materials, garbage cans, or similar objects between the hours of 10:00pm and 7:00am the following

day, or in such a manner as to cause a noise disturbance across a real property boundary in residential zone or in a noise sensitive zone.

k. **Operating or permitting the operation of and tools or equipment used in construction, drilling, or demolition work.** Between the hours of 7:00pm and 7:00am the following day on weekdays or at any time on weekends, or legal holidays such that the sound or vibration there from creates a noise disturbance across a real property boundary in a residential zone or in a noise sensitive zone, except for emergency work of public service utilities.

l. **Motor vehicle, motor boat or snowmobile repairs or testing.** Repairing, rebuilding, modifying, running, or testing any motor vehicle, motorcycle, or motor boat in such a manner as to cause a noise disturbance across a real property boundary in a residential zone or within a noise sensitive zone between the hours of 10:00pm and 7:00am the following day.

m. **Domestic/commercial power tools.** Operating or permitting the operation of, any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, leaf blower, or similar device used outdoors in residential zones so as to cause a noise disturbance across a real property boundary or between the hours of 9:00pm and 7:00am the following day.

4. Enforcement

a. The following individuals shall enforce this division: The Police Marshall or a Village Officer will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this division shall prevent the Police Marshall from obtaining voluntary compliance by way of warning, notice or education.

b. If a person's conduct would otherwise violate this division and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions; the person/persons must be ordered to , and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or citation being issued.

D. False Fire Alarms Prohibited No person shall give or send or cause to be given or sent in any manner any alarms of fire which he/she knows to be false.

E. Obedience to Officers No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.

F. Assisting Escape of Prisoners No person shall intentionally aid in any prisoner or person to escape from the lawful custody of a policemen or peace officer of the Village.

G. Impersonating Police Officers No person shall impersonate a policeman or peace officer within the Village of Lake Nebagamon.

§12.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY

A. Gambling. Lotteries, Fraudulent Devices and Practices Prohibited All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the Village. Any peace officer or policeman of the Village is hereby authorized to seize anything devised solely for gambling or found in actual use of gambling within the Village and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.

B. Loitering A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law abiding individuals under circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight on appearance of a peace officer, refuses to identify him or herself, or manifestly endeavors to conceal him or herself or any object. Unless flight by the actor or other circumstances make it impractical, a peace officer shall prior to any arrest for an offense under this section afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting the actor to identify him or herself and explain the presence and/or conduct. No person shall be convicted of an offense under this section if the Police Officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and if believed by the peace officer at the time would have dispelled the alarm.

Prohibited Daytime Loitering by Minors It is unlawful for any minor under the age of 18 years who is subject to compulsory education to loiter, congregate, wander, stroll, stand, play or be in or upon the public streets, highways, roads, alleys, parks, playground, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any unsupervised place during hours of required school attendance. Unless flight by the actor or other circumstances make it impractical, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting the actor to identify him or herself and explain their absence from school or other conduct. Additionally, this section does not apply:

1. When the minor is accompanied by his or her parent, guardian or other adult person having the care of custody or the minor; or
2. When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor; or
3. When the minor is going or coming directly from or to his/her place of gainful employment, or to or from a medical appointment; or
4. To students who have permission to leave school campus for lunch or for school related activities and have in their possession a valid, school issued, off campus permit.

C. Indecent Conduct and Language Prohibited No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Village.

D. Curfews Imposed on Minors

Hours Persons Exempt It shall be unlawful for any minor under the age of 18 years to loiter, idle, wander, stroll or play in or upon the public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00pm and 5:00am the following day. The hours for minors under the age of 16 shall be from 10:00pm to 5:00am the following day. During that time when daylight savings time is in effect, the hours provided in this section shall be extended by one hour.

Duties of Parents The provision of this article shall not apply to a minor accompanied by their parent, guardian, or other adult person having the care and custody of the minor, or where the minor is on an emergency errand or legitimate business directed by their parent, guardian, or other adult person having the care and custody of the minor. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a child under the age if 18 years knowingly permit the child to loiter, idle, wander, stroll , or play in or upon the public streets, highways, roads, alleys, parks, grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00pm and 5:00am the following day; or if the child is under the age of 16 years, the hours shall be between 10:00pm and 5:00am the following day. During that time when daylight savings time is in effect, the hours provided in this section shall be extended by one hour.

E. Beach Rules (amended 7/3/12)

Lifeguard has full authority to enforce the following rules:

1. There will be no pushing on raft.
2. There will be no swimming underneath the raft.
3. There will be no hanging from the buoys.
4. There will be no glass containers on the beach.
5. There will be no alcohol allowed on the outside grounds of the Auditorium property.
6. There will be no profane or abusive language.
7. There will be no rock throwing.
8. There will be no littering.
9. Children under the age of ten years must be supervised by an adult.
10. The beach and the area around it is closed at 11:00pm.
11. Forfeitures – The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.
12. Severability – Should any part of this ordinance be found to be unenforceable, the remainder of the ordinance shall remain in full force and effect.

F. Basketball Court & Skate Park Rules (amended 7/12/2016)

1. There will be no alcohol or controlled substances permitted at any time
2. There will be no smoking permitted at any time

3. There will be no hanging on the rims
4. There will be no intentional damage caused to picnic tables, trash containers or the outdoor bathroom
5. There will be no motorized vehicles on the court area
    a. 1st Violation: Restricted from park for two weeks.
    b. 2nd Violation: Restricted from park for one month.
    c. 3rd Violation: Restricted from park for the remainder of the summer.
    d. Forfeitures- The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

G. Ravine Park Campground Rules (amended 6/6/2017)(amended 9/4/2018)
1. Pick a campsite and self-register on the envelope provided.
2. Registrations checked daily.
3. No more than 6 people at one site.
4. One camper, one tent and one car per site. Excessive personal property prohibited.
5. Additional parking above campground.
6. All pets must be kept on a leash.
7. Check out - 2:00 pm on last day of stay
8. Stay will be limited to 14 days. Extensions can be applied for at the Village Office.
9. Quiet hours - 10:00 pm through 7:00am
10. Campfire must be attended at all times by a responsible party.
11. Campfires must be at the fire ring only.
12. Gather only dead or down wood.
13. No fireworks of any kind.
14. Tents and campers must be located in designated campsite at all times.
15. Campsite must be orderly and well maintained.
16. If payment is not made, persons will be restricted from the campground for the remainder of the summer.
    a. 1st Violation: Restricted from park for two weeks.
    b. 2nd Violation: Restricted from park for one month.
    c. 3rd Violation: Restricted from park for the remainder of the summer.
    d. Forfeitures- The penalty for violation of any provision of this section shall be a penalty as provided in Chapter 15 § 15.04 of this code.

H. Intoxication It shall be unlawful for any person to partake of any intoxicating liquor, wine or beverage, on any street, alley, or public property without the consent of the Village Board, or any private property without the consent of the owner. Upon conviction of offense, guilty person will be subject to a fine of not less than $1 nor more than $50 for each and every offense together with costs of prosecution, or upon failure to pay to be imprisoned in the county jail for not more than 90 days.

§12.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY

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

B. Littering prohibited No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Village or upon any private property not owned by him or upon the surface of any body of water within the Village of Lake Nebagamon. Any waste materials being transported to the landfill will be encased within throw-away containers (plastic back, etc.) or be covered (example; canvas, mesh, screen, plastic, etc.) to contain it to prevent the loss of waste out of the beds of pickups, off trailers or out of trunks, etc.

§12.05 PENALTIES

Any person who shall violate any provision of this ordinance shall upon conviction thereof be punished as follows:

A. For a violation of any other provision of this chapter, he/she shall be subject to a penalty as provided in § 15.045 of this code.

B. In addition to any penalty imposed for violation of § 12.04(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damage or destroyed property. The parent or parents of any unemancipated minor child who violates § 12.04(1) of this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Wis. Stat. § 331.035.

CHAPTER 13

PUBLIC NUISANCES

§13.01 Public Nuisances Prohibited
§13.02 Definitions
§13.03 Abatement of Public Nuisances
§13.04 Cost of Abatement
§13.05 Penalties
§13.06 Chronic Nuisance Premises

§13.01 PUBLIC NUISANCES PROHIBITED

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Lake Nebagamon.

§13.02 DEFINITIONS

A. Public Nuisance A public nuisance is 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 sue 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.

B. Public Nuisances Affecting Health The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of sub.(A) of this section:
   1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
   2. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death;
   3. 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. All stagnant water in which mosquitoes, flies or other insects can multiply.
   5. Privy vaults and garbage cans which are not fly-tight;
   6. All noxious weeds and other rank growth of vegetation;

7. All animals running at large;
8. The escape of smoke, soot, cinders, noxious acids fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village limits or within one mile there-from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.
9. 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. All abandoned wells not securely covered or secure from public use.
11. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, or public place within the Village.

C. Public Nuisances Offending Morals and Decency 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 sub.(A) of this section:
   1. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to of the purpose of prostitution, promiscuous sexual intercourse or gambling;
   2. All gambling devices and slot machines
   3. 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 the ordinance of the Village of Lake Nebagamon.
   4. Any place or premises within the Village of Lake Nebagamon where Village ordinances or State Laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;
   5. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

D. Public Nuisances Affecting Peace and Safety The following acts, omissions, places, conditions and things are nearby 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 provisions of sub.(A) of this section.
   1. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or place frequented by the public, so situated or constructed as to endanger the public safety;
   2. All buildings erected, repaired or altered within the fire limits of the Village of Lake Nebagamon in violation of the provisions of the ordinances of the Village, relating to materials and manner of construction of buildings and structures with said district;
   3. 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 such device, sign or signal;

4. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
5. All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than ten feet above any other public place;
6. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village;
7. All buildings or structures so sold, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
8. All wires over streets alleys or public grounds which are strung less than 15 feet above the surface thereof;
9. All loud, discordant and unnecessary noises or vibrations of any kind;
10. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of person within the Village;
11. All obstructions of streets alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished;
12. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
13. All abandoned refrigerators or ice boxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;
14. Any unauthorized or unlawful use of property abutting on a public street, alley 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 streets or sidewalks;
15. Repeated or continuous violations of the ordinances of the Village or laws of the State of Wisconsin relating to the storage of flammable liquids;
16. All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in § 6.06 of this code.

§13.03 ABATEMENT OF PUBLIC NUISANCES

A. Inspection of Premises Whenever a complaint is made to the Village President that a public nuisance exists within the Village of Lake Nebagamon, he/she shall promptly notify the Police Officer, Health Officer, or Building Inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Village President. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the Office of the Village Clerk.

B. Summary Abatement

1. Notice to Owner If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Constable to serve notice on the person causing, permitting or maintaining such nuisances or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting, or maintaining such nuisance or the owner or occupant of the premise to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
2. Abatement by Village If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Health Officer, in case of health nuisances and the Police Officer, in other cases, shall cause the abatement or removal of such public nuisance.

C. Abatement by Court Action If the inspecting officer shall determine 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 file a written report of his findings with the Village President who shall cause an action to abate such nuisance to be commenced in the name of the Village in the circuit court of Wisconsin County in accordance with the provisions of Wis. Stat. § 280.

D. Other Methods Not Excluded Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Village of Lake Nebagamon or its officials in accordance with the laws of the State of Wisconsin.

§13.04 COST OF ABATEMENT

The cost of abating a public nuisance by the Village (inclusive of all applicable attorney fees) 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.

§13.05 PENALTY

Any person who shall violate any provision of this chapter shall be subject to a penalty as proved in § 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.

§13.06 CHRONIC NUISANCE PREMISES

A. **Definitions**- The following terms shall be defined as follows in this section.
   1. Police- Law enforcement officer.
   2. Enforcement Action- Arrest, the issuance of a citation, or the issuance of a written warning.
   3. Nuisance Activity- Any of the following activities, behaviors, or conduct occurring on a premises:
      a. An act of harassment, as defined in Wis. Stat. § 947.013.
      b. Disorderly conduct, as defined in Wis. Stat. § 947.01 and § 12.01(A) of this code.
      c. Battery, substantial battery, aggravated battery, as defined in Wis. Sat. §940.19.
      d. Lewd and lascivious behavior, as defined in Wis. Stat. § 944.20
      e. Prostitution as defined in Wis. Stat. § 944.30
      f. Theft, as defined in Wis. Stat. 943.02.
      g. Receiving stolen property, as defined in Wis. Stat. § 943.34.
      h. Arson, as defined in Wis. Stat. §943.02.
      i. Possession, manufacture or delivery of a controlled substance or related offenses, as defined in Wis. Stat. Ch. 961.
      j. Gambling, as defined in Wis. Stat. § 945.01.
      k. Animal violations, as defined in § 11.06 of this code.
      l. Trespassing, as defined in Wis. Stat § 943.13 and 943.14.
      m. Weapons violations, as defined in Ch. 12 of this code.
      n. Underage drinking, as defined in § 11.01(7) of this code.
      o. Procuring beer or alcohol for a minor as defined in Wis. Stat. Ch. 125 and adopted through § 11.01(7) of this code.
      p. Any conspiracy to commit, as defined in Wis. Stat. § 939.31, or attempt to commit, as defined in Wis. Stat. § 939.32, any of the activities, behaviors or conduct enumerated in subsections (a) through (o) above.
   4. Premises- Any property used as a residence, including buildings and yards.

B. **Notice**- Whenever the Police determines that three or more nuisance activities resulting in enforcement action have occurred at a premises on separate days during a 12 month period, the police may notify the premises owner or management agent in writing. In reaching this determination, the police shall not count nuisance activities that were reported by the owner or manager of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises and a statement indicated the cost

of future enforcement may be assessed as a special charge against the premises. The notice shall be delivered certified mail to the record owner or management agent of the property in question.

C. **Abatement Plan-** Any owner or agent receiving notice pursuant to the provision above shall meet with the Police within seven business days of receipt of such notice. The parties shall review the problems occurring at the property. Within ten calendar days of this meeting, the owner or agent shall submit to the Police, and abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address and telephone number of a person living within 60 miles of the property who can be contacted in the event of further Police, fire or inspection contact.

D. **Additional Nuisance Activity-** Whenever the chief determines that additional nuisance activity as occurred at a premises for which notice has been issued pursuant to subsection (B) above, that this nuisance activity has occurred not less than 17 days nor more than 180 days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Police may calculate the cost of Police response and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge.

E. **First Offense-** Any person who shall violate any provision of this section or any regulation, rule or order made hereunder, including the obligation to timely attend an abatement meeting or to timely submit an abatement plan pursuant to subsection (C) above, shall forfeit not less than $250 nor more than $1000, plus costs.

F. **Subsequent Offenses-** Any person who shall violate any provision of this section or any regulation, rule, or order made hereunder within 24 months after committing a previous violation of this section shall forfeit not less than $50 nor more than $2000, plus costs.

G. **Ineligibility for Rental License-** Owners of property subject to a conviction for a subsequent offense under subsection (F) above, will be ineligible for a rental license for the entire building/property in which the offending conduct occurred for a period of 12 months from the date of violation.

H. **No Limitation of Authority-** This section shall in no way limit the authority of the Village of Lake Nebagamon, or any citizen to abate a public or private nuisance according to law.

CHAPTER 14

(Amended 6/25/19)

FINANCE

§14.01 Preparation of Tax Roll & Tax Collection
§14.02 Payment of Claims Against the Treasury
§14.03 Preparation and Adoption of Annual Budget
§14.04 Public Records

§14.01 PREPARATION OF TAX ROLL AND TAX COLLECTION

A. Aggregate Tax stated on Roll Pursuant to Wis. Stat. § 61.25(8), the village clerk shall work with the village treasurer, the county tax lister and assessor to prepare the tax roll, showing the total and individual amounts of all taxes levied in the village.

B. Tax Collection Agreement This agreement between the Village of Lake Nebagamon and Douglas County is summarized as follows: Pursuant to Wis. Stat. § 66.0301, the municipality has agreed to contract with the county as its agent, and the county has agreed to act as such agent, for processing the collection of first and full payments of real property tax, special assessments, and special charges, for all portions of the municipality located within Douglas County.

§14.02 PAYMENT OF CLAIMS AGAINST THE TREASURY

A. Claims to be Certified The Village requires, prior to submission of any account, demand or claim to the Village Board for approval of payment, the following conditions have been complied with:
   1. That funds are available therefore pursuant to the budget;
   2. That the item or service was duly authorized by the proper official or agency.
   3. That the claim is accurate in amount and a proper charge against the treasury.

B. Village Board to Audit Accounts No account or demand against the Village, except as provided in sub. (C) of this section, shall be paid until it has been audited by the Village Board and an order drawn on the Village Treasurer therefore. Every such account shall be itemized and certified as provided in sub. (A).

C. Payment of Regular Wages or Salaries Regular wages or salaries of Village Officers and employees shall be paid by payroll, verified by the proper Village official, department head, board or commission and filed with the Village Clerk in time for payment on the regular payday.

D. Method of Incurring Claims All actions of the Village Board appropriating money or creating a charge against the Village, other than claims for purchases or work previously authorized by the Board, shall only be acted upon the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of ¾ of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.

§14.03 PREPARATION AND ADOPTION OF ANNUAL BUDGET

A. Preparation of Budget In September & October, all committees and commissions will either meet in order to prepare budget requests or include a budget request item in their regular meeting agenda. The treasurer and clerk will compile the requests into a working budget for the finance committee to review. Once the finance committee has forwarded the working budget to the board, it is reviewed and forwarded to the budget hearing in November, where the mill rate will be set. The budget must be adopted by the end of November.

B. Form of Proposed Budget The proposed budget shall include the following information:

1. The actual expenditures of each department and activity for the expired portion of the current year and last preceding fiscal year and the estimated expense for conducting each department and activity of the Village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
2. An itemization of all anticipated income of the Village from sources other than general property taxes and bond issues, with a comparative statement of the amount received by the Village from each of the same or similar sources for the last preceding and current fiscal years.
3. All existing indebtedness of the Village, including the amount of interest payable and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
4. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
5. Such other information as may be required by the Village Board and by State law.

C. Appropriation Ordinance: Hearing The Village President, with the assistance of the Village Treasurer/Administrator shall submit to the Village Board with the annual budget a draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Before adoption of a final appropriation ordinance, the Village Board shall hold a public hearing on the budget and the proposed appropriation ordinance as required by law.

D. Changes in Final Budget Upon written recommendation of the Village President, the Village Board may at any time by a 2/3 vote of the entire membership transfer any portion of an unencumbered balance of an appropriation to any other purpose or object.

E. Expenditures Limited by Annual Appropriation No money shall be drawn from the treasury of the Village nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance and changes therein authorized in accordance with sub.(D) of this section. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Village Board, to be

paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

§14.04 PUBLIC RECORDS

A. All public records will be maintained according to the Wisconsin Municipal Records Schedule.

CHAPTER 15

GENERAL PROVISIONS AND FINES

§15.01 Rules of Construction
§15.02 Conflict and Separability
§15.03 Clerk to File Documents Incorporated by Reference
§15.04 Penalty Provisions
§15.05 Repeal Provisions
§15.06 Effect of Repeal
§15.07 Title: Effective Date: Citation
§15.08 Style of Ordinances; Additions, Amendments, Repeals
§15.069 Clerk to File Ordinances: Supplemental Sheets

§15.01 RULES OF CONSTRUCTION

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

A. Wisconsin Statutes The term Wisconsin Statutes (Wis. Stats.) wherever used in this code shall mean the Wisconsin statutes for the year 2013.14.

B. 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 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.

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

D. Acts by Agents When a provision requires an act to be done which may be 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.

E.

§15.02 CONFLICT AND SEPARABILITY

A. Conflict of Provisions 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.

B. Separability of Code Provisions If any section, subsection, sentence, clause or phrase of this 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 Village President and Village Board of the Village of Lake Nebagamon hereby 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.

§15.03 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 Wisconsin Statutes or other section of this code, are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein and the Village Clerk is hereby directed and required to file, deposit and keep in their office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposit 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 with the Clerk may prescribe for their preservation.

§15.04 PENALTY PROVISIONS

A. General Penalty Any person, upon conviction of default, who is found to be in violation of any provision of this municipal code where a specific penalty is not specified shall forfeit not less than $100 nor more than $300.
    1. First offence- forfeiture amount of $100.
    2. Subsequent offence- violation within one year, forfeiture amount of $250.

§15.05 REPEAL OF GENERAL ORDINANCES

All ordinances heretofore adopted by the Village Board of the Village of Lake Nebagamon are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this code:

- The issuance of corporate bonds and notes of the Village of Lake Nebagamon of whatever name or description;
- The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys;
- The fixing of salaries of public officials and employees;
- Rights, licenses of franchises or the creation of any contract with the Village of Lake Nebagamon;
- The lighting of streets and alleys;
- The annexation of territory to the Village of Lake Nebagamon;
- The naming and changing of names of streets, alleys, public grounds, and parks;
- The letting of contracts without bids;

- Tax and special assessment levies;
- Release of persons, firms or corporations from liability;
- Construction of any public works;
- Water, sewer and electric rates, rules and regulations and sewer and water main construction; and
- Budget ordinances, resolutions and actions.

§15.06 EFFECT OF REPEALS

The repeal or amendment of any section or provision of this code or of any other ordinance or resolution of the Village Board shall not:

A. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
B. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so 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 judgement to be pronounced after such ordinance takes effect for any offense committed before that time.
C. Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgement to be pronounced after such ordinance takes effect for any offense committed before that time.
D. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall 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.

§15.07 TITLE: EFFECTIVE DATE: CITATION

These ordinances shall be known as the "Municipal Code of the Village of Lake Nebagamon" and shall take effect from and after passage and posting. All references thereto shall be cited by section number (example: § 13.06 Municipal Code of the Village of Lake Nebagamon or of this municipal code)

§15.08 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS AND REPEALS

All general ordinances hereafter enacted by the Village Board of the Village of Lake Nebagamon shall be numbered in chronological order, prefixed by the letter "A" and shall indicate by appropriate decimal number the section, subsection or paragraph of this code created amended, repealed or revised.

§15.09 CLERK TO FILE ORDINANCE: SUPPLEMENTAL SHEETS

The Village Clerk shall retain in their office at least one copy of this code as the original Municipal Code of the Village of Lake Nebagamon and shall file the same as part of the Village ordinance book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in their office at least one copy of the Municipal Code of the Village of Lake Nebagamon in current form in which shall be inserted all supplemental sheets are hereinafter provided.

Whenever any ordinance amending, repealing, revision or creating any section of this code is adopted by the Village Board, the Clerk, after recording such ordinance in the ordinance book, shall cause copies of such ordinance to be reproduced on supplemental sheets in proper form for insertion in the Municipal Code and shall insert such ordinances in all copies of this code in this possession except the aforementioned original copy. The Clerk shall make such supplemental sheets available at a fee specified by the Village Board to all persons requesting the same.

CHAPTER 16

SANITARY SEWER COMMISSION

§16.01 Purpose
§16.02 Meetings
§16.03 Secretary
§16.04 Review
§16.05 Minutes
§16.06 List hook ups
§16.07 Space provided
§16.08 Budget
§16.09 Members
§16.10 Attendance
§16.11 Pay
§16.12 Full Sewer Ordinance

§16.01 PURPOSE

The purpose and function of the Sanitary Sewer Commission shall be to establish hook-up rates, user rates and the rules and regulations covering the governance thereof. The Commission shall have governance over sewer users, licensed plumbers, others, and penalties. The Sanitary Sewer Commission shall oversee operating personnel, equipment and yearly operating budget. The Sanitary Sewer Commission shall establish requirements for repair of septic systems presently in use and for installation of new systems and establish permit fees. The Commission will be responsible for issue and enforcement of permits for the permanent sewer system and individual septic systems. Permit fee income will go to the Commission.

§16.02 MEETINGS

The Commission shall meet regularly each month on the last Tuesday of the month. Special meetings as required to complete the work of the Commission shall be held as necessary. These meetings shall be held in the downstairs of the Village Auditorium unless posted otherwise. All meeting shall be open to the public except employee negotiations.

§16.03 SECRETARY

The Commission shall contract with the Village Board for services of Clerk and Treasurer and pay the Village of Lake Nebagamon the established pay scale.

§16.04 REVIEW
All actions of the Commission are subject to review by the Village Board where actions may be overruled.

§16.05 MINUTES
The Commission shall submit to the Village Board minutes for all meeting held the prior month, along with financial information.

§16.06 LIST HOOKUPS
The Commission shall prepare and maintain a list of the various types of hook-ups. It shall use this list to estimate the physical number of users on the system each month using current accepted design standards.

§16.07 SPACE PROVIDED
Village Board will provide office space and equipment storage space for all sewer records.

§16.08 BUDGET
The Commission shall prepare and submit to the Village Board a yearly operating budget commencing on January 1 and ending on December 31. The budget shall be submitted to the Village Board at its regular October meeting of the year preceding the proposed budget. The Sewer Commission shall attempt to be self-supporting.

§16.09 MEMBERS (Amended 6/4/19, 11/5/19)
The Commission shall consist of three members appointed for three year terms except for initial terms. Initial appointments will be for one, two, and three years. The Village President shall appoint all members, including the chairman, subject to a two-thirds majority vote of the Village Board. Appointments to fill a vacancy shall be for the remaining term of the commissioner involved. Current elected Village officials are not eligible for appointment. Terms expire upon Board approval of May appointments.

§16.10 ATTENDANCE
Commissioners shall attend ten of the twelve scheduled meetings held monthly per calendar year and shall remain in attendance from call to order to adjournment. Failure to attend meetings per the above requirements shall be cause for immediate involuntary dismissal and replacement by the Village Board. Special consideration will be given to incapacity due to illness, but in no case shall this cover more than two additional meetings.

§16.11 WAGE

The Commissioners and the Chair will be paid at rates determined by the Village Board. These rates will be reviewed annually during budgeting. No additional pay shall be made for special meetings. All payroll costs incurred to the Village for Sanitary Sewer activity shall be reimbursed by the Commission.

§16.12 FULL SANITARY SEWER COMMISSION ORDINANCE UNDER SEPARATE COVER

CHAPTER 17

PROPERTY AND PREMISES MAINTAINED

§17.01 JUNK MOTOR VEHICLES
§17.02 PROPERTY MAINTENANCE
§17.03 PENALTIES

§17.01 JUNK MOTOR VEHICLES

A. Definitions Unsafe operating condition means a motor vehicle which does not meet the requirements and standards Wis. Stat. Ch. 347 relating to equipment of vehicles.

B. "Junk Motor Vehicle: Description" "Junk Motor Vehicle" is defined by meeting any one or more of, but not limited to, the following criteria:
   1. Motor vehicle not having affixed thereto the current valid state registration plates for said motor vehicle.
   2. A motor vehicle disabled or not currently operable motor vehicle, whether or not having affixed thereto the current valid state registration plates for said motor vehicle.

C. Time Limit for Parking or Storage The parking, storage, or accumulation of any junk motor vehicle of whatsoever kind or parts thereof outside of a building or premise in any zoning district of the Village of Lake Nebagamon for a period of time exceeding 30 days in any one calendar year is prohibited with the following exception.

D. Additional Periods of Storage of Junk Motor Vehicles An extension beyond 30 days may be permitted provided a detailed written application is made to and approved by the Zoning Administrator. A fee of $25 shall accompany said application. No more than two extensions will be granted. Said fee shall be refundable only if the request is denied. In no event shall the Zoning Administrator permit the outside storage of more than one junk motor vehicle or a major component thereof on a premise in any Zoning District.

E. Responsibility The owner or lessee of any junk motor vehicle or parts thereof, and the owner, agent, or tenant of any premises within any Zoning District upon which such junk motor vehicle or parts thereof are parked, stored or maintained, shall be individually responsible for complying with the provisions of this ordinance.

§17.02 PROPERTY MAINTENANCE

A. Anti-Dumping The purpose of this ordinance is to preserve health and sanitation in the Village through the regulation and disposal of garbage, rubbish, construction and demolition debris, and hazardous waste through the proper collection by the waste hauler or as otherwise allowed by law. It is unlawful to allow construction or demolition debris,

rubbish, and garbage to accumulate anywhere in the Village. There shall be no "grandfather" clause in the amendment, so all property which currently contains any such material is affected upon passage, along with any of those properties where it may occur in the future.

B. Duty to Keep Premises Clean No one can place, throw, leave or dump any rubbish, paper, dirt, waste, debris, or garbage upon any street, gutter, sidewalk, alley, park, roadway or other public grounds. The owner, occupant, or tenant of any property shall keep it in safe and sanitary condition, free of rubbish and debris. Any trash, debris, or rubbish that is a result of a natural or other type disaster shall be removed by the owner of the property within six months. If needed, a request of an extension may be considered by the Village Board for extenuating circumstances.

C. Waste Disposal Except for the composting of vegetable waste, lawn and yard waste, and the construction of brush piles for wildlife, it shall be unlawful for any person to permit any rubbish, paper, waste, or garbage upon any property within the Village. For residential property such disposal shall be limited to trash receptacles in accordance with the agreement with a waste hauler. Any receptacle containing any substance identified as hazardous, noxious, or improperly disposed of materials that in the opinion of the hauler, is harmful to collection crews or equipment, shall be left on site. It shall be unlawful for any person to discard their residential or commercial trash along with roadside or in any other residential, commercial or public trash container without permission. Such violators will be fined with the maximum for each occurrence. Any person, firm, or corporation who shall violate the provisions of this ordinance, shall, upon written notice from the Village Police Department shall conform to the ordinance within ten days of the date of said notice or shall pay a forfeiture as stated in §15.05 of this ordinance.

CHAPTER 18

OTTO FINELL MEMORIAL PARK

§18.01 ALCOHOLIC BEVERAGES

There shall be no alcoholic beverages allowed in the Otto Finell Memorial Park, which includes the tennis courts, the baseball fields, and the play area adjacent to the ball fields, during any school sponsored activity.

Application for a "Picnic" (Class B, temporary) license may be obtained from the Village offices for one time sale/use at the park.

Violators will be prosecuted in accordance with §15.04 (A)(1) and §15.04 (A)(2) of the Village code.

CHAPTER 19

SNOWMOBILE AND ATV CODES

§19.01 Wisconsin State Snowmobile Laws Adopted
§19.02 Routes and Trails Designated
§19.03 Speed Limits
§19.04 Hours of Operation
§19.05 Parking
§19.06 Forfeitures and Penalties

§19.01 WISCONSIN STATE SNOWMOBILE LAWS ADOPTED

State traffic forfeiture laws adopted. Except as otherwise specifically provided for in this ordinance, all provisions of Wis. Stat. Ch. 350 as are now in existence, and as they may be amended from time to time in the future, and which describe and define regulations with respect to snowmobile operation for which the penalty is a forfeiture only, including the penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. The penalty provisions provided for in said Chapter 350 shall exclusively govern violations of this section.

350.01	Definitions
350.2	Operation of snowmobiles on or in the vicinity of highways
350.3	Right-of-way
350.4	Snowmobile races, derbies, and routes
350.045	Public utility exemption
350.047	Local ordinance to be filed
350.05	Operation by youthful operators restricted
350.055	Safety certification program established
350.07	Driving animals
350.08	Owner permitting operation
350.09	Headlamps, tail lamps, and brakes, etc.
350.10	Miscellaneous provisions for snowmobile operation
350.101	Intoxicated Snowmobiling
350.102	Preliminary breath screening test
350.1025	Application of intoxicated snowmobiling law
350.103	Implied consent
350.104	Chemical tests
350.106	Report arrest to department
350.107	Officer's action after arrest for operating a snowmobile while under

	influence of intoxicant
350.11	Penalties
350.12.	Registration of snowmobiles
350.125	Completion of application for registration by snowmobile dealers
350.13	Uniform trail signs and standards
350.135	Interferences with uniform trail signs and standards prohibited
350.15	Accidents and accident reports
350.155	Coroners and medical examiners to report; require blood specimen
350.17	Enforcement
350.18	Local ordinances
350.19	Liability of landowners
350.99	Parties to a violation

The adoption Wis. Stat. § 346.02(10) by reference is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.60, 346.44, 346.46, to 346.48, 346.50(1)(b), 346.51 to 346.55, 346.87 to 346.91, 346.92(1) and 34694(1)(6)(6M and 9).

§19.02 ROUTES AND TRAILS DESIGNATED

The streets and roads within the Village of Lake Nebagamon may be used by operators of snowmobiles in accordance with other established regulations. Said operator must operate snowmobile on the shortest and most direct route to and from a designated snowmobile trail. Snowmobiling is strictly prohibited on 1st Street, 1st Ave. West, Lake Avenue and Main Street.

1. The service alley west of Lake Avenue, south across Waterfront Dr. to the lake.
2. From service alley west of Lake Avenue, north across Cty Rd B to the Railroad S.
3. Ravine Park Dr. from Camp Nebagamon Dr. across Waterfront Dr. to the lake.
4. East on Railroad St to Brule.
5. West on Railroad St to 5th Ave. North, then north to 3rd St. North (3rd St. East and West).
6. Alley between Lake Ave. and 1st Ave. North to 3rd St. North.
7. Access to East Lake Blvd.
8. Public Access south of 11675 E Point Rd. to East Lake Blvd.
9. All of 1st Ave.
10. All of 5th Ave N.
11. Banky Rd
12. Blue Jay Dr.
13. Bolognesi Rd
14. Callie Lane
15. Camp Nebagamon Dr.
16. Cemetery Rd

17. Cleveland Rd
18. Dairy Queen Rd
19. Degerman Rd.
20. Doug's Circle
21. East Lake Blvd.
22. Fitch Ave.
23. Graves Rd
24. Honeymoon Point Rd
25. Jim Johnson Rd
26. Knoll Rd
27. Larson Dr.
28. Main St.
29. Maple Creek Rd
30. Mar-B Rd
31. Marsik Rd
32. Minnesuing Rd.
33. Minnow Lake Rd.
34. Orchard Cove Drive
35. Peterson Rd.
36. Phillips Rd.
37. Point Rd.
38. Robin Lane
39. Rowe Rd
40. Ski Doo Lane
41. South Lake Blvd,
42. Timber Ridge Rd
43. Wasgren Rd
44. Waterfront Dr.
45. Weyerhauser Rd
46. Woodland Trail Rd

§19.03 SPEED

It shall be a violation of this ordinance to operate a snowmobile on the streets, roads, and alleys of the Village of Lake Nebagamon in excess of 10 mph where posted thereon for motor vehicle, but in no case, shall any snowmobile be operated at a speed in excess of 35 mph on said streets, roads, and alleys.

§19.04 HOURS OF OPERATION

No person shall operate a snowmobile within the Village of Lake Nebagamon between the hours of 1:30am and 7:00am except upon a public highway as authorized by the Wis. Stats. and this ordinance or for the purpose of gaining access to or leaving such highway.

§19.05 PARKING

It shall be a violation of this ordinance to park a snowmobile on any public property within the Village of Lake Nebagamon except in areas specifically designated by sign for parking of snowmobiles.

§19.06 FORFEITURES AND PENALTIES

The forfeitures and penalties provided in this section shall be applicable to violations of § 2, 3 ,4, and 6 of this ordinance.

A. Violation of this ordinance shall be punishable by a forfeiture of not more than $1000 plus court costs, and any other costs of prosecution of this ordinance.
B. A schedule of deposit is further hereby adopted, with the amount of said deposit to be $100 plus any applicable assessments, costs, fees, and penalty enhancements now in force in the Douglas County Circuit Court, or as enforced in the future. See § 15.04 of this ordinance.

§19.07 OPERATION OF ALL TERRAIN VEHICLES (ATV'S) UPON VILLAGE STREETS AND PROPERTY

A. Purpose The purpose of this ordinance is to regulate the routes, operation and licensing of ATV's (as defined by Wis. Stats.) on the roadways in the Village of Lake Nebagamon. This ordinance will also give ATV operators a legal means of passage to connect to designated ATV trails, and to enable operators' access to local businesses.
B. Regulations
    1. This Ordinance adopts Wis. Stat. § 23.33, regulating the operation of all-terrain vehicles. All persons using Village ATV routes are required to obey all Wis. Stats.
    2. This Ordinance further adopts Natural Resources Administrative Codes:
        a. NR64.04 – Failure to display registration
        b. NR64.07 (1) – Operate an ATV at a speed, which is improper or unreasonable
        c. NR64.07 (2) – Operating an ATV within 100 feet of a person in excess of 10 mph is prohibited
        d. NR64.08 – Owner permitting operation on an ATV by an underage person
    3. Wis. Stat. § 895.52, which addresses limitation of property owners' liability regarding recreational activities, is applicable under this ordinance.

4. All operators will operate only on designated and signed ATV routes only within Village limits.
5. Persons will be permitted to travel the shortest possible distance from their home or local businesses to designated snowmobile and ATV trails.

C. Designated Routes

1. The service alley west of Lake Avenue, south across Waterfront Dr. to the lake.
2. From service alley west of Lake Avenue, north across Cty Rd B to Railroad St.
3. Ravine Park Dr. from Camp Nebagamon Dr. across Waterfront Dr. to the lake.
4. East on Railroad St. to Brule.
5. West on Railroad St. to 5th Ave. North, then north to 3rd St. North (3rd St. East and West).
6. Alley between Lake Ave. and 1st Ave. North to 3rd St. North.
7. Access to East Lake Blvd.
8. Public Access south of 11675 E Point Rd. to East Lake Blvd.
9. All of 1st Ave.
10. All of 5th Ave N.
11. Banky Rd
12. Blue Jay Dr.
13. Bolognesi Rd
14. Callie Lane
15. Camp Nebagamon Dr.
16. Cemetery Rd
17. Cleveland Rd
18. Dairy Queen Rd
19. Degerman Rd.
20. Doug's Circle
21. East Lake Blvd.
22. Fitch Ave.
23. Graves Rd
24. Honeymoon Point Rd
25. Jim Johnson Rd
26. Knoll Rd
27. Larson Dr.
28. Main St.
29. Maple Creek Rd
30. Mar-B Rd
31. Marsik Rd
32. Minnesuing Rd.
33. Minnow Lake Rd.
34. Orchard Cove Drive
35. Peterson Rd.

36. Phillips Rd.
37. Point Rd.
38. Robin Lane
39. Rowe Rd
40. Ski Doo Lane
41. South Lake Blvd,
42. Timber Ridge Rd
43. Wasgren Rd
44. Waterfront Dr.
45. Weyerhauser Rd
46. Woodland Trail Rd.

D. Speed

It shall be a violation of this ordinance to operate an ATV on the streets, roads, and alleys of the Village of Lake Nebagamon in excess of 10 mph where posted thereon for motor vehicle, but in no case, shall any ATV be operated at a speed in excess of 35 mph on said streets, roads, and alleys.

E. Hours of Operation

No person shall operate an ATV within the Village of Lake Nebagamon between the hours of 1:30am and 7:00am except upon a public highway as authorized by the Wis. Stats. and this ordinance or for the purpose of gaining access to or leaving such highway.

CHAPTER 20

SMOKING POLICY

§20.01 Policy
§20.02 Definitions
§20.03 Prohibition
§20.04 Enforcements

§20.01 POLICY
It is declared policy of the Village of Lake Nebagamon Village Board to promote to the greatest extent possible the health and welfare of Village employees and member of the general public who frequent the Village Auditorium.

Whereas smoking is a proven hazard both to smoker and those exposed to secondary smoke, the Village Board of the Village of Lake Nebagamon hereby enacts this ordinance pursuant to the authority of Wis. Stat. §101.123 (2)(c).

§20.02
"Smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

§20.03 (Amended 5/7/19)
Smoking is prohibited in <u>all</u> municipal buildings and vehicles owned by the Village of Lake Nebagamon, according to Wis. Stats. §101.23(2). In addition, smoking is prohibited at the following Village properties as described:

Ball Fields
- within 20' of bleachers
- in bathrooms and dugouts
- in playground area from rope fence through playground

Skate Park Recreation Area
- in any part of park including the pavilion

Beach
- along entire East side of Auditorium and South side from the Auditorium to the water. Smoking will be permitted on West side of Auditorium.

Fishing Dock & Boat Landing

- on docks

Ravine Park

- in restrooms

Auditorium Entrances

§20.04

This ordinance may be enforced through issuance of a citation. The Police Officer is specifically empowered to issue citations for violations of this ordinance. Village Board members are directed to enforce this ordinance as a matter of policy of the Village of Lake Nebagamon.

CHAPTER 21

SUBDIVISIONS

§21.01 Introduction
§21.02 General Provisions
§21.03 Definitions
§21.04 Procedure for Submitting Subdivisions
§21.05 Design Standards
§21.06 Improvements
§21.07 Easements
§21.08 Public Reservation
§21.09 Variances
§21.10 Enforcement, Penalties and Remedies
§21.11 Separability

§21.01 INTRODUCTION: AUTHORITY, PURPOSE AND INTERPRETATION

In accordance with the authority granted by Wis. Stat. § 236.45, and for the purposes listed in Wis. Stat. §235.01 and 236.45 (2103-2014), the Village Board ordains:

The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.

This Ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter controls on land use.

§21.02 GENERAL PROVISIONS

A. A subdivision includes any division of a parcel of land by the owner or his agent for the purpose of sale or building development where:
    1. The act of division creates two or more parcels of less than five acres each.
    2. Two or more parcels of five acres or less are created by successive divisions within a five year period.
B. No division of land within the Village or within its extraterritorial jurisdiction shall be permitted if it results in a subdivision, unless a plat of the subdivision is submitted and approved in accordance with this Ordinance and Wis. Stat. Ch. 236.
C. In addition to the provisions of this ordinance and Wis. Stat. Ch. 236, all subdivisions shall conform to the zoning ordinance, the official map ordinance and the General Development Plan, for the Village of Lake Nebagamon and its extraterritorial planning area.

D. For all subdivision improvements required to be installed by the subdivider, the subdivider shall provide satisfactory proof that he/she has contracted to install such improvements or shall file a performance bond ensuring installation of such improvements within the time required by the Planning and Zoning Commission and Village Board.

E. The specifications for all improvements shall be approved. Prior to either acceptance of the improvement by the Village Board or release of the sub-divider's bond, all improvements shall be inspected and found to have been installed according to the specifications.

F. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal their form, as provided in Wis. Stat. § 236.45, 235.01, 236.145 and 62.23 (7)(e) 10 to 15, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court may direct that the plat be approved if it finds that the action the approving or objecting agency is arbitrary, unreasonable or discriminatory.

§21.03 DEFINITIONS

Alley - A special public way affording only secondary access to abutting properties.

Arterial Street – A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways and parkways.

Building Line – A line parallel to a lot line and at a distance from the lot line to comply with the Village Zoning Ordinance yard requirement.

Collector Street – A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

Community – A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

Comprehensive Plan – The extensively developed plan, also called a master plan, adopted by the Village Planning and Zoning Commission and certified to the Village Board pursuant to Wis. Stat. § 62.23, 236.45 and 235.01, including proposals for future land use, transportation, urban redevelopment and public facilities. All devices for the implementation of these plans, including but not limited to zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

County Planning Agency – An agency created by a county board and authorized by

statute to plan land use such as a rural planning committee, a park commission, a zoning committee or a planning commission.

Cul-De-Sac Street – Minor street closed at one end with a turnaround provided for passenger vehicles.

Extraterritorial Plat Approval Jurisdiction – The unincorporated area within one and one-half (1 1/2) miles of a fourth class city or a village and within three (3) miles of all other cities.

Frontage Street - A minor street auxiliary to, and located on the side of an arterial street for control of access and for service to the abutting development.

Minor Street – A street used, or intended to be used, primarily for access to abutting properties.

Municipality – An incorporated village or city.

Public Way – Any public road, street, highway, walkway, drainage-way, or part thereof.

Re-plat – The changing of the boundaries of a recorded subdivision plat or part thereof.

Subdivider – Any person, firm or corporation, or any agency thereof, dividing or proposing to divide land resulting in a subdivision, or replat.

Subdivision – See § 21.02(a) of this Ordinance.

§21.04 PROCEDURE FOR SUBMITTING SUBDIVISIONS

A. Preliminary Meeting Before filing a preliminary plat the subdivider shall consult with the Planning and Zoning Commission and/or its staff for advice regarding general requirements affect the proposed development. A sketch of the proposed subdivision drawn on a topographic survey map should be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.

B. Preliminary Plat. The subdivider must submit to the Planning Commission and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wis. Stat. § §, a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet having two-foot contour intervals, shall identify the improvements (grading, tree planning, paving, installation of facilities, and dedications of land) and any prior easements which the subdivider proposes to make and shall indicate

by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

After review of the preliminary plat and negotiations with the sub-divider on changes being advisable and the kind and extent of public improvements which will be required, the Planning and Zoning Commission shall reject or approve conditionally the preliminary plat within 40 days as provided by statute.

Approval of the preliminary plat shall entitle the sub-divider to final approval of the layout shown by such plat, provided the final plat conforms substantially to such layout and other conditions of approval have been met.

C. Final Plat Final plats shall be submitted to the Planning and Zoning Commission within six months of preliminary plat acceptance unless this requirement is waived in writing by the Planning and Zoning Commission. The final plat shall conform to the preliminary plat as approved and the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Wis. Stat. § 236. The final plat shall be accompanied by detailed construction plans of all improvements. The final plat shall be presented to the Planning and Zoning Commission at least ten work days prior to the meeting at which it is to be considered and shall be accepted or rejected by the Planning and Zoning Commission and the Village Board within 60 days of its submission, unless the time is extended by an agreement with the sub-divider. Reasons for rejection shall be stated in the minutes of the Village Board meeting and a copy thereof or a written statement of such reasons shall be given to the sub-divider. Approved final plats shall be recorded in accordance with the statutory requirements prior to the time that lots are offered for sale, reference is made to the map for sale purposes, or use is made of lot and block numbers shown on the plat.

If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Planning and Zoning Commission and the Village Board will be inscribed on the original of the final plat, the surveyor or sub-divider shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must first be approved. All approval must be in writing and a copy attached to the final plat.

§21.05 DESIGN STANDARDS

A. Streets and Lots

1. The subdivider shall dedicate land and improve streets as provided herein. Streets shall conform to the official map ordinance of streets. Streets shall be located

with due regard for the topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety.

2. All lots shall have sufficient frontage on a public street to allow vehicular access.
3. Street locations shall be consistent with any street plans officially adopted by the Village. All street right-of-way width, radii of curvature and grades shall conform to the following requirements:

STREET TYPE	RIGHT-OF-WAY MINIMUM WIDTH	MINIMUM RADIUS OF CURVATURE	MAXIMUM GRADE
Arterial or Highway	120 feet	300 feet	6%
Collector (carries traffic from minor streets to arterials or highways)	80 feet	200 feet	7%
Minor (provides access to individual lots)	66 feet	100 feet	10%

4. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
5. Minor streets shall be so laid out so as to discourage their use by through traffic.
6. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
7. Where a subdivision abuts or contains an existing or proposed arterial highway. The Planning and Zoning Commission shall require a frontage road, non-access reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
8. Reserve strips controlling access to streets shall be prohibited.
9. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
10. Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
11. Dedication of half-width streets shall be prohibited.
12. Permanent dead-end streets or cul-de-sacs shall not be longer than 600 feet, shall have a minimum width of 50 feet and terminate with a turnaround having a roadway diameter of at least 90 feet, and an outside street right-of-way diameter of at least 120 feet.
13. Where possible, lot lines shall be perpendicular to the street line, and to the tangent at the lot corner or curved streets.
14. Lots shall follow, rather than cross, municipal boundary lines whenever practicable.

15. No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Planning and Zoning Commission.

B. Block Design

1. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated.
2. To provide adequate access and circulation to community facilities, the Planning and Zoning Commission may require that sidewalks be provided, either along streets or through the center of blocks. Center crosswalks shall not be less than ten feet wide.
3. The Planning and Zoning Commission may require that certain species of trees be planted on both sides of all streets.
4. Subdivision lots in the Village shall be in conformance with the area and width requirements of the Village Zoning Ordinance. Area and width requirements of subdivision lots in the extraterritorial planning area shall conform to town zoning ordinances and Administrative Code J65 of the State of Wisconsin Division of Health.

§21.06 IMPROVEMENTS

A. General Provisions: The following provisions shall apply to the subdivisions platted within the Village and may be applied to subdivisions platted within the extraterritorial plat approval jurisdiction of the Village.

1. The improvements required under these regulations shall be constructed by the subdivider and at the subdivider's expense prior to the filing with the Planning and Zoning Commission and the Village Board of the final plat for final approval, in accordance with the specification and under the supervision of the officials having jurisdiction; or
2. In lieu of constructing the improvements as required in paragraph (1) above, the subdivider shall furnish the Village Board with a surety performance bond or other form of surety running to the Village of Lake Nebagamon sufficient to cover the subdivided cost of such required improvements. Final approval of the plat must be in accordance with the requirements of the Village Board.
3. In the event the procedure under paragraph (2) is followed, the construction of all improvements required by these rules and regulations must be completed within two years from the date of approval of the final plat by the Village Board unless good cause can be shown for the granting of an extension of time by authority of the Village Board. If no extension is granted, the Village at its option, may cause all uncompleted required work to be constructed, and the parties executing the bond shall be firmly bound for the payment of all necessary costs thereof.
4. The approval of the final plat by the Village Board shall constitute acceptance of the dedication of any public street, road, or highway dedicated in such plat.

5. Where unusual or exceptional factors or conditions exist, the Village Board may modify the provisions of this ordinance. A written statement of the reasons for such modification shall be attached to all copies of the construction plans.

B. Improvements

1. Improvements that shall be required at the expense of the subdivider:
    a. Streets rough-graded from property line to property line, and terraces top-soiled to conform to specification established by the Village Board and on file in the Village Clerk's office.
    b. A public sanitary sewer system adequate to provide the subdivision with a complete sanitary sewer system, including a lateral connection for each lot, and connected in a satisfactory manner to the village sanitary sewer system.
    c. A complete water distribution system adequate to serve the area platted including connections for each lot. The entire system shall be designed to meet the approval of the Village Board. The Village shall pay for and install all necessary fire hydrants, providing that the developer appropriately advises the Village from time to time when the system is ready for the installation of said hydrants.
    d. A storm water sewer or drainage system adequate to serve the area being platted and otherwise meeting the approval of the Village Board.
    e. If a pumping station is required to pump either sanitary wastes or storm water into the existing public sewer mains, the subdivider shall install, at no expense to the Village, a pumping station.

CHAPTER 22

GARBAGE COLLECTION AND REMOVAL

§22.01 INTENT
§22.02 DEFINITIONS
§22.03 DUTY OF OWNER TO REMOVE AND DISPOSE OF

§22.01 INTENT

A. The purpose of this ordinance is to help ensure that efficient, nuisance free and environmentally acceptable solid waste management procedures are practiced in Douglas County.
B. It is the purpose of the Village of Lake Nebagamon Village Board, in the exercise of its police powers to regulate and provide for the removal of and disposal of garbage and refuse generated in the Village of Lake Nebagamon, in order that the health, safety and welfare of all persons in the Village of Lake Nebagamon may be protected.
C. It is the intent of the Village of Lake Nebagamon Village Board, that all sections and provisions of this ordinance have an independent existence and should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Village of Lake Nebagamon, Village Board, that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the ordinance.

§22.02 DEFINITIONS

A. Licensed Collector – shall mean that person to whom the Village has issued a license to collect municipal solid waste (MSW) and whom the Village has designated as its agent and designee for purposes of transporting said solid waste to a State approved landfill site or transfer station.

B. Person or Owner – means any human being, partnership, corporation, firm, company, association, society or group.

C. Solid Waste - means any garbage, refuse, sludge from a waste treatment plant, water supply.

D. Hazardous Waste – means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential

hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics.

E. Infectious Waste – means solid waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease.

F. Municipal Solid Waste (MSW) – means solid waste generated mainly by residents and commercial activities.

G. Garbage – means discarded materials resulting from the handling, processing, storage and consumption of food.

H. Refuse – means all matters produced from industrial or community life, subject to decomposition, not defined as sewage.

§22.03 DUTY OF OWNER TO REMOVE AND DISPOSE OF MUNICIPAL SOLID WASTE

A. It shall be the duty of every resident or property owner containing less than four dwelling units to provide for not less frequent than weekly disposal of MSW generated. Owners of residential structures containing more than four dwelling units or of commercial or industrial establishments shall employ a licensed collector for the removal of all MSW from their premises.

B. SOLID WASTE CONTAINER REQUIRED: Specifications: It shall be the duty of the owner of every dwelling or place of business in the village to keep and maintain or cause to be kept and maintained in good condition, sufficient portable watertight containers to hold all the MSW which accumulates on such premises during the time between collections and removals. All MSW which accumulates shall be put into containers provided by the hauler not filled to nearer than 3 inches of the top. In the case of residential structures containing four or less dwelling units, the contents shall not exceed 96 gallons. Collection in excess of 96 gallons shall not be deemed and "ordinary collection" within the meaning of this chapter.

Such containers shall, during the hours scheduled for collection, be kept or placed in a convenient location readily accessible to the collector. After 24 hours, containers must be removed a reasonable distance from the "right of way".

Except while loading or unloading, the tops and covers of all such containers shall be kept tightly covered and securely close at all times when they contain putrescible MSW. When such containers contain only non-putrescible MSW, they shall be kept covered and as necessary prevent such solid waste from being blown out of such container.

C. COLLECTION SCHEDULES TO BE ESTABLISHED

It shall be the duty of the licensed collector to collect and remove any of the MSW referred to in this chapter and to establish and maintain a schedule for regular ordinary collection of such MSW providing for collection on at least a weekly basis and to make available a schedule setting forth the days or day of the week and the hours during which such collections will be made.

D. ESTABLISHMENT OF FEES FOR COLLECTIONS

The fee to be charged for making ordinary collections and removal shall be reasonable and within a rate schedule approved by the Village Board. Such fees shall be fixed based upon the frequency of collection and removal, the character and quantity of the materials collected and removed, and the length of haul and cost of making same. The licensed collector shall not charge anything in excess of the maximum rate for ordinary collections or fail or refuse to make any collection. A copy of the maximum rate schedule shall at all times be kept on file in the Office of the Clerk of the Village of Lake Nebagamon. The maximum rate schedule for ordinary collection and removal shall be reviewed and determined by the Village Board once each year. In addition such maximum rate schedule may be reviewed on application therefore by any persons.

Rates for special collections and for items that are not capable of ordinary collection shall be as agreed upon between the party requesting and the licensed collector.

E. REMOVAL OF OFFENSIVE MATTER FROM PREMISES – AUTHORITY OF VILLAGE

Whenever MSW, dead animals or parts thereof or other putrescible materials shall not be contained or removed as required by this chapter, the Village Police Officer or any member of the Village Board may direct the removal of such material by the licensed collector. In such event, the licensed collector shall, within the time specified by the Village Police Officer or any member of the Village Board, (which time shall not be less than within 24 hours of being so directed, Saturdays, Sundays and Holidays excluded), make such collection and removal. Whenever such Village Police Officer or member of the Village Board directs a licensed collector to remove material from any premises pursuant to this section he or she shall make a written record of such action and provide a copy to the licensed collector. If such collection and removal requires an expenditure of time and effort comparable to that required for ordinary collections, the collector shall be paid at his regular rate for ordinary collections. If such collection and removal requires for expenditure of time and effort in excess of that required for ordinary collections, the collector shall be paid a reasonable hourly rate determined by the Village Board and, pursuant to such collection, shall be paid by the Village and pursuant to

Sections 3 & 4 of this ordinance, recovered from the owner of the premises from which such collection and removal is made.

F. REMOVAL OF OFFENSIVE MATTER FROM PREMISES – NOTICE TO OWNER
Whenever the Village Police Officer or a member of the Village Board shall deem it necessary to remove, at the expense of the owner, any MSW, manure, dead animals or parts thereof as provided in the preceding section. The Village Police Officer or a member of the Board shall personally serve a written notice upon the owner or agent of the property affected or if the owner or his agent cannot be found, by posting said notice on the premises setting forth the fact that such removal has been ordered and granting the owner or agent a reasonable period of time for the completing for such removal. Such time allowance shall in no case be less than 24 hours and no more than 48 hours.

G. REMOVAL OF OFFENSIVE MATTER FROM PREMISES – DUTY OF OWNER
Every owner or agent served with a notice, as described in the preceding section, shall cause an abatement of the nuisance or health hazard described in such notice within the time limits prescribed by such notice.

H. DUTY OF LICENSED COLLECTOR TO OPERATE IN ACCORDANCE WITH LANDFILL REGULATION
It shall be the duty of the licensed collector to abide by the regulation and policies of the Village of Lake Nebagamon and Department of Natural Resources in the transportation of solid waste and depositing of solid waste at the State approved landfill site or transfer station.

I. WASTE CHARACTERIZATION
Only the waste type and sources listed in the plan of operation approval, waste previously approved by the Village of Lake Nebagamon and Department of Natural Resources in writing may be accepted for disposal. Hazardous waste and infectious waste will not be accepted.

CHAPTER 23

COMPREHENSIVE OUTDOOR RECREATION PLAN
(AMENDED 1988, 1996, & 2014)

§23.01 RECREATION NEEDS AND RECOMMENDATIONS
§23.02 GENERAL RECOMMENDATIONS
§23.03 SUMMARY AND CONCLUSIONS
§23.04 ADOPTION OF THE LAKE NEBAGAMON OUTDOOR RECREATION PLAN

§23.01 RECREATION NEEDS AND RECOMMENDATIONS

The village has approximately 23 acres of park and recreation areas, not including the land on which the hiking trail is located, owned by Douglas County. This total is almost eight acres more than the Village had in 1988 and include the more than seven acres added to Finell Park two years ago.

Using the standard discussed previously, 12 acres of developed parks and open space per 1,000 persons, the existing 23 acres should be sufficient for the needs of the residents of the Village. Any land added in future would be sufficient for the needs of the residents of the Village. Any land added in the future would be to enhance existing facilities or for specialized uses, such as the addition to Finell Park for another ball field and nature area.

As shown in Table 2, the existing recreation land devoted to Community Parks is in excess of the ideal set earlier in this report. When the nature of the Village is considered, however, this is not extraordinary. A rural, lake oriented community has less need for neighborhood parks because of the recreational aspect of most residential sites located on or near the lake. There is a great need for community wide parks where activities are centered on larger groups of participants and spectators. It is also in the best interest of the community as a whole to have recreation areas which draw visitors and their money to the Village.

Existing Facilities and Recommendations –

A. Finell Park

This park is the largest in the Village and is the site of the Village's only regulation sized ball field, used by adult, youth and school leagues. It also has a playground and two tennis courts. It is the main site of the athletic events for the entire village and much of the region. A lighted pavilion was constructed recently, the dugouts and bleachers were repaired and the parking lot was improved. A recent land acquisition more than doubled the size of this park and the additional land will be used, in part, for another ball field. The remainder will be left as a wildlife – nature walk area. The existing pit toilets must be replaced or repaired.

The recommendations which follow are not specifically prioritized, however, in most cases, the first recommendation listed is the most needed.

1) New pit toilets must be constructed immediately.
2) The new ball field needs to be developed with dugouts, bleachers and fencing.
3) The playground needs to be expanded.
4) An access road needs to be installed to the new field.
5) Landscaping is needed for the entire area, including seeding and fertilizing the new
6) An additional source of water would be desirable at the east end of the park.
7) A BBQ pit would be an asset at the pavilion, as would a water supply for cooking.
8) Additional signage is needed to commemorate the donation of the new land by the field.

Friends of the Tamburitzans and the participation in development by the Lake Nebagamon Lions' Club. A memorial plaque is also needed to commemorate the late Otto Finell, a pioneer resident and long- time Village President.

B. Ravine Park (formerly Village Park)

The second largest village park is located north of the elementary school and is bisected by County Road B. The heavily wooded area on the south side of the highway is equipped with picnic tables and BBQ grills. New handicapped accessible pit toilets were added in 1991 and, at the same time, picnic areas were better delineated and new handicapped accessible picnic tables were added. The road through the area was improved and a highway access was closed to prevent traffic from entering or exiting there.

The ice skating rink on the north side of the highway is adjacent to a small warming house. The rink is lighted for night use as well as daytime skating.

Basketball and volleyball courts were added to the park area on the north side of the highway and are used heavily by older children.

Recommendations:

1) The primary need at this park is a source of potable water in the picnic area. A well is located there but is not in working order and needs a new pump.
2) A small tot-lot play area would enhance the picnic area.
3) Signage is needed to direct visitors to the park and rink.
4) The base of the skating rink needs to be replaced with concrete to hold water and prevent seepage which has plagued the site regularly.

C. Jefferson Memorial Park (Auditorium & Public Beach)

The auditorium is a unique log structure built in 1936 by Works Progress Administration Labor and is reminiscent of the Village's logging camp origin. It is listed in the National Register of Historic Places and is one of the only two remaining representatives of the Village's culture and history. It is the cornerstone of the Village's central business district and is also the site of the municipal and police offices, the senior citizen's

nutrition program and most of the indoor social, recreational and entertainment programs. It includes a large auditorium/ballroom, a proscenium stage, storage rooms and a kitchen.

The swimming beach is used heavily during the summer by both residents and visitors. It includes a picnic area and pavilion, new playground equipment, including handicapped accessible units, and a memorial flag and flower area. The park is named for Thomas Jefferson.

The fishing dock is used by children, for the most part, but is also used as a lake viewing area.

In 2012 a rain garden was developed. Air conditioning installed into the auditorium in 2013.

Recommendations:

1) The approach to the fishing dock needs to be paved to provide handicapped accessibility.
2) The pavilion should be lighted and a BBQ grill and a source of water should be provided there.

D. Coolidge Memorial Park

The only amenity in this park presently is a sign displaying the Coolidge name.

Recommendations: none

E. Hwy B Mini Park

This attractive area was created by volunteers and is highlighted by an original mural created by renowned artist Tony Yaworski, a resident of the Village. It has a "welcome" sign and makes an excellent impression on visitors and motorists traveling on the main highway through the Village. A log planter with decorative shrubs and flowering plants is surrounded by benches and encourages pedestrians to stop and rest.

Recommendations: The mural here is a valuable and irreplaceable asset for the Village and it needs to be protected with a plexiglass cover to preserve it for the future.

F. Fitch Avenue Mini Park

This new park provides an excellent lake viewing area for residents of the nearby senior citizens' apartments and is maintained for the most part by neighboring property owners who mow the grass regularly.

Recommendations:

1) Because the area is primarily for the use of the senior citizens, they should be encouraged to add some plots of flowers and maintain the area. This would not only provide some color to the area, but would also give the seniors some physical activity which would be therapeutic.
2) Local service organizations should be encouraged to use the gazebo as a site for some entertainment which would be suitable for the senior citizens.

G. Boat Launch

The launch pad itself was recently improved and it is more accessible to a variety of watercraft. Parking is limited.

Recommendations:

1) Additional parking space is needed and could be provided, somewhat, by the acquisition of a small portion of adjacent land owned by Douglas County.
2) Additional signage is needed here to direct launch users to nearby parking and toilets at Ravine Park and "no parking" signs are needed for areas in front of private homes.
3) Additional signage citing personal watercraft speed limits and safety codes, along with the telephone numbers for emergency services and the Wisconsin Department of Natural Resources is also needed immediately.

H. Cleary Park

One acre space planned for future walking trail.

Recommendations:

1) The trail needs regular maintenance.
2) At least one pit toilet is needed at the start of the trail, near the parking area.
3) Tenting sites were cleared, but there is no map of the trail and signage is limited. A map should be drawn and signs added.

§23.02 GENERAL RECOMMENDATIONS

The following is a list of general recommendations which the Village of Lake Nebagamon may also wish to implement. Some have already been mentioned in this report, but are elaborated upon here. Additional recommendations not previously presented are also listed.

1) Tri-county Recreational Trail A decisive and aggressive plan should be made immediately for connecting the Village to the nearby Tri-county Recreational Trail, which runs from Superior to Ashland, and to the newly planned Wild Rivers Trail, which will run from Superior to Spooner along a former railroad right of way. This is in high demand, but strong leadership is needed to make these a reality. Any winter recreational use depends on these trails being connected to the Village.

2) Maintenance The Village must work out a regular schedule for maintenance, cleaning, and garbage pick-up. Bathrooms should be cleaned at least every other day during the prime seasons and garbage cans should be emptied as needed, at least twice a week.
3) Signage The Village should complete a Village-wide signage plan to make sure all areas are designated and have directional signs from the main highways.
4) Recreational Development Map Undeveloped areas of the Village should be examined by the Parks & Recreation Committee and the Planning & Zoning Commission and an area map should be created pinpointing areas which would make good locations for future parks and recreation. This would facilitate:
5) Park Dedication Residential sub-dividers should be asked to dedicate a portion of their land for permanent parks and/or open space. Neighborhood parks should be acquired in this manner in newly developed areas. Local landowners should also be encouraged to dedicate land to the community for open space or recreational use.
6) Private Development Areas of the Village should be examined to determine sites which lend themselves to the development of privately owned recreation facilities, such as water parks and recreational vehicle campgrounds.
7) Service Group, Senior Citizen & Neighborhood Involvement Area service groups, senior citizens and neighbors should be encouraged to take a more active role in planning recreational activities and in park development and improvements. These should also include development of competitive sports activities and beautification projects. Continued activities of this type could help to meet the need for neighborhood facilities and supplement limited municipal funding resources providing volunteer planners and laborers.
8) Aid Programs Take advantage of state and federal financial and technical aid programs which are designed to assist communities in meeting recreational needs, and maintain community eligibility for such programs.
9) Community Beautification and Clean-Up All inhabitants and property owners in a community should recognize that community appearance is an important component of a recreation program. A rewarding program includes: well-maintained streets and sidewalks, attractive trees and shrubs, well cared for homes and commercial buildings, and neatly landscaped areas, public open space and parks are principal contributors to community beautification.
10) Winter Activities Since the area enjoys a long and beautiful winter, more emphasis should be placed on developing free or low-cost winter recreational activities. The existing skating rink should be maintained with more care and prepared for more effective use. At present, maintenance is often slip-shod and sporadic with little attention paid to use, which can be anticipated for weekends and the winter vacation times for school children.
11) Future Planning At a minimum, all communities should reassess their recreational needs near the end of the five year period covered by this plan. More frequent appraisals of needs may be called for under certain conditions such as extreme variations in funding capability, rapid population changes, actions of other units of government and private enterprise, and the recognition of new legislation, laws and public programs.
12) Community officials should develop five year capital improvements programs for recreation that reflect implementation of proposals made in their plans and the priorities they place on them. To be functional, the program must be flexible and be subjected to annual review. In developing a recreation program, care should be taken that the annual cost of maintenance does not exceed an amount the community can afford to pay. Too

often, an ambitious program can lose community support as a result of prohibitive maintenance costs.

13) Community and school officials responsible for recreation should place greater emphasis on the provision of areas and facilities that can support "lifetime" recreational activities. Falling into these category are activities like golf, tennis, all target sports, horseshoes, cross-country skiing, skating, running, volleyball, handball, badminton, backpacking, and canoeing. Too often, community and school recreation facilities are oriented to games important only to the most athletically inclined rather than to recreational opportunities for less athletically inclined men and women. In designing recreation areas, recreational needs of all members of the community should be taken into account. Many schools have successfully instituted instructional programs aimed at teaching recreational activities people can participate in for a lifetime rather than just during their youth.
14) Historic Sites can be rewarding additions to any community recreation program. This is especially true in areas oriented to serving a significant tourist trade. A study of potential areas is encouraged. Assistance and guidance for their study can be obtained from the Wisconsin Council for Local History, an organization affiliated with the State Historical Society and the Douglas County Historical Society.
15) The need for community officials to establish priorities within their recreation program is emphasized by the scope of previous recommendations. Although it is likely that all of these recommendations will be undertaken within the time period of this plan, there is an outstanding opportunity for inroads to be made. Recognition of increasing demands for recreation, space and facilities should prompt immediate action.

§23.03 SUMMARY AND CONCLUSIONS

Recognizing that recreation is essential to the welfare and happiness of their citizens of a community, officials must be prepared to provide the leadership necessary to implement a decisive plan for that recreation which will benefit all facets of the community. <u>It is not sufficient to simply adopt a plan without implementation. It is imperative that those in positions of leadership establish a priority plan of action and follow it.</u>

Too often, recreation is considered less important than other community programs. In the case of Lake Nebagamon, a bedroom community to the twin ports metropolitan area of Duluth and Superior, recreation is one of the prime reasons its citizens have chosen to live here. Almost all of the residential property is located within three to four blocks of the lake and much of the recreation, summer and winter is related to the lake.

People desire and need recreational outlets, and it is the partial responsibility of community government to see that they are provided.

Lake Nebagamon has some excellent recreation facilities that would benefit greatly from implementation of some or all of the improvements recommended in this plan. Financing and priorities have also been discussed and facilitates that would be absolutely costless to the local taxpayer are probably going to be difficult to obtain. Adoption of this plan, however, will qualify the Village of Lake Nebagamon for a number of federal and state cost sharing programs available to communities.

By adopting the enclosed resolution, the Village Board is applying for certification of the plan by the Wisconsin Department of Natural Resources, Bureau of Planning and Bureau of Aid Programs, and pledges to take whatever steps necessary to implement to plan and provide residents, property owners and visitors with the best possible parks and recreation program.

§23.04 ADOPTION OF THE LAKE NEBAGAMON OUTDOOR RECREATION PLAN

WHEREAS, the Village of Lake Nebagamon has developed a comprehensive outdoor recreation plan; and

WHEREAS, this plan outlines foreseeable outdoor recreation facility needs of Lake Nebagamon that can be adequately maintained; now

THEREFORE, BE IT RESOLVED, that the Village of Lake Nebagamon Board of Trustees hereby formally adopts the Lake Nebagamon Outdoor Recreation Plan as the official policy statement for the development of outdoor recreation programs and facilities in Lake Nebagamon.

Adopted this 28th day of May, 1996.

I hereby certify that the foregoing resolution was duly adopted by the Lake Nebagamon Village Board of Trustees at a legal meeting held on the 28th day of May, 1996.

Authorized Signature *Anthony R. Coletta*
Title Village President

Revised July 2014

CHAPTER 24

AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN OF THE VILLAGE OF LAKE NEBAGAMON, WISCONSIN

(refer to Zoning Ordinance Book)

The Village Board of the Village of Lake Nebagamon, Wisconsin, do ordain as follows:

24.01 Pursuant to § 62.23(2) and (3) of the Wis. Stat., the Village of Lake Nebagamon, is authorized to prepare and adopt a comprehensive plan as defined in Wis. Stat. § 66.1001(1)(a) and 66.1001(2).

24.02 The Village Board of the Village of Lake Nebagamon, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by Wis. Stat. § 66.1001(4)(a).

24.03 The Plan Commission of the Village of Lake Nebagamon, Wisconsin, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to Village Board the adoption of the document entitled "Village of Lake Nebagamon, Douglas County Wisconsin, Comprehensive Plan 2009-2030", containing all of the elements specified in Wis. Stat. § 66.1001(2).

24.04 The Village has held at least one public hearing on this ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d).

24.05 The Village Board of the Village of Lake Nebagamon, Wisconsin, does, by enactment of this ordinance, formally adopts the document entitled, "Village of Lake Nebagamon, Douglas County Wisconsin, Comprehensive Plan 2009-2030," pursuant to Wis. Stat. § 66.1001(4)(c).

24.06 This ordinance shall take effect upon passage by a majority vote of the members elect of the Village Board and publication/posting as required by law.

Adopted this 3rd day of November, 2009.

Robert C. Anderson, Village President
Robert C. Anderson, Village President

Published/Posted 11/5/2009

Attest:
Swan Dawson, Clerk
Swan Dawson, Village Clerk

NOTICE

Please take notice the Lake Nebagamon Village Board of Trustees is considering adoption of the revised municipal code with incorporated amendments entitled "Municipal Code of The Village of Lake Nebagamon".

The Public Hearing for this adoption will be held at 6:00pm on June 7th, 2016 in the Village Auditorium.

You are further notified that a copy of the proposed municipal code will be on file and open for public inspection in the office of the Village Clerk between May 9th and June 6th
during normal business hours.

This Municipal Code will be adopted on June 7th, 2016 by the Village of Lake Nebagamon Board of Trustees.

After review and discussion the Municipal Code of the Village of Lake Nebagamon was adopted on June 7, 2016.

ATTEST:

Amy K. Huber _____
Amy K. Huber, Village Clerk

Sonda Strom-Larson _____
Sonda Strom-Larson, Village President