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SEC. 1-1 TITLE OF CODE; CITATION.

These collected Ordinances shall be known and referred to as the "Code of Ordinances, Town of Barnes, Wisconsin". References to the Code of Ordinances, Town of Barnes, Wisconsin, shall be cited as follows: "Sec. 2-1, Code of Ordinances, Town of Barnes, Wisconsin".

SEC. 1-2 PRINCIPLES OF CONSTRUCTION.

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- (a) **Acts by Agents.** When an ordinance requires an act be done by a person that may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.

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- (b) **Town.** "Town" shall refer to the Town of Barnes, Bayfield County, Wisconsin.
- (c) **Code and Code of Ordinances.** The words "Code," "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the Town of Barnes unless the context of the section clearly indicates otherwise.
- (c) **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the general period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section "legal holiday" means any statewide legal holiday specified by state law and any other Town holiday designated by the Town Board.
- (e) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture", and vice versa.
- (f) **Gender.** Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa; the masculine gender is used solely in the interest of brevity.
- (g) **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
- (h) **Joint Authority.** All words purporting to give a joint authority to three (3) or more Town officers or employees shall be construed as giving such authority to a majority of such officers or other persons.

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- (i) **Person.** The word "person" shall mean any of the following entities:
 - (1) natural persons;
 - (2) corporations;
 - (3) partnerships;
 - (4) associations;
 - (5) bodies politic;
 - (6) any other entity of any kind which is capable of being sued.
- (j) **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- (k) **Singular and Plural.** Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one (1) person or thing.
- (l) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (m) **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 2001-02, as amended.
- (n) **Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

State Law Reference: Legal holidays, Sec. 256.17, Wis. Stats.

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SEC. 1-3 CONFLICT OF PROVISIONS.

- (a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

SEC. 1-4 SEPARABILITY OF PROVISIONS.

If any provision of this Code of Ordinances 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 provisions of these Ordinances.

SEC. 1-5 EFFECTIVE DATE OF ORDINANCES.

- (a) **Code.** The Code of Ordinances, Town of Barnes, Wisconsin, shall take effect from and after passage and publication as provided by state law.
- (b) **Subsequent Ordinances.** All Ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law Reference: Municipal Code, Sec. 66.035, Wis. Stats.

SEC. 1-6 REPEAL OF GENERAL ORDINANCES.

- (a) **Ordinances Repealed.** ~~All general Ordinances heretofore adopted by the Town Board are hereby repealed.~~ This shall not include any Ordinances or parts of Ordinances or resolutions relating to the following subjects and

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not conflicting with the provisions of this Code, except that some of the following provisions may be amended by this Code of Ordinances:

- (1) Any offense or act committed or done or any penalty or forfeiture guaranteeing the payment of money for the Town, or any contract or obligations assumed by the Town;
- (2) The administrative Ordinances or resolutions of the Town not in conflict or inconsistent with the provisions of the Code;
- (3) Any appropriation ordinance or resolution;
- (4) Any right or franchise granted by the Town Board to any person, firm or corporation;
- (5) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the Town;
- (6) Any ordinance or resolution establishing or prescribing the street grades of any streets in the Town;
- (7) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefore;
- (8) Any ordinance or resolution dedicating or accepting any plat or subdivision in the Town;
- (9) Any ordinance annexing property to the Town;
- (10) Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition, moving or removal of buildings or other structures;
- (11) Zoning ordinances; dwelling building code; and other building code ordinances;
- (12) Charter ordinances;
- (13) The issuance of corporate bonds and notes of the Town of whatever name or description;
- (14) Water and sewer rates, rules and regulations and sewer and water main construction.

(b) **Effect of Repeals.** The repeal or amendment of any provision of this Code or of any other ordinance or resolution of the Town Board shall not:

- (1) Affect any rights, privileges, obligations or liabilities that were acquired or incurred or which had accrued under the repealed or amended provision, unless the Town has expressly reserved

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the right to revoke such right, privilege, obligation or liability.

- (2) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture that has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of Ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

SEC. 1-7 GENERAL PENALTY.

- (a) **General Penalty.** Except where a penalty is provided elsewhere in this Code, the penalty shall be as follows:
 - (1) **First Offense — Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). ~~together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding six (6) months.~~
 - (2) **Second and Subsequent Offenses -- Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense. ~~together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.~~
 - (b) **Continued Violations.** Each violation and each day a
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violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(c) Other Remedies.

- (1) The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
- (2) Execution against defendant's property. Whenever any person fails to pay a violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

SEC. 1-8 CLERK TO MAINTAIN COPIES OF DOCUMENTS INCORPORATED BY REFERENCE.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Town Clerk shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the Town Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk subject to such restrictions on examination as the Clerk imposes for the preservation of the material.

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Emergency Services

- 3-1 Town of Barnes Fire Department
- 3-1-4 Fire Protection Charges
- 3-2 Town of Barnes Ambulance Service
- 3-3 Authorization for Ambulance Service to Hold Volunteer Funds

SEC. 3-1 TOWN OF BARNES FIRE DEPARTMENT.

- (a) **Establishment.** See Emergency Services Resolution dated 6/15/2010-amended to read as follows: There is created the Barnes Fire Department to provide fire suppression, fire inspection and fire prevention for the Town of Barnes. The department shall consist of a Chief appointed by the Town Board, Assistant Chief, Secretary-Treasurer and other such members of said fire department as may, from time to time, be appointed by the Fire Chief and be approved by the Town Board. The department may be involved with other emergency operations as deemed necessary for the protection of life and property. The department shall follow state requirements described in Wisconsin Administrative Code COMM 30 and national standards established by the National Fire Protection Association (NFPA).
- (b) **Supervision over department and equipment.** The fire chief shall have the control of the fire department and all fire equipment belonging to the town subject to all department and ~~town~~ town policies or order of the town board.
- (c) **Command at Incidents.** The first arriving fire fighter on scene to any incident that the fire department is responsible for shall be deemed in charge until a fire officer relieves such fire fighter of those duties or he relinquishes control to another fire fighter and informs that fire fighter of such control.
- (d) **Membership and Organization.** See Emergency Services Resolution dated 6/15/2010-amended to read as follows: Department officers shall include Fire Chief, Assistant

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Chief and Secretary/Treasurer. ~~Additional officer positions may be created and initially appointed by the current officers with approval of the town board. The department may hold meetings and organize and create policies and rules, which shall be reviewed and approved by the Town Board. The Chief, Assistant Chief and Secretary/Treasurer shall be appointed by the Town Board for a term not to exceed two (2) years. The Fire Chief shall be appointed by the Town Board. The Assistant Chief, Secretary/Treasurer and additional officer positions shall be appointed by the Fire Chief and approved by the Town Board. The Chief, Assistant Chief or Secretary/Treasurer may be removed for cause at any time by the Town Board. This paragraph shall be effective immediately, with the board appointing a Chief, Assistant Chief or Secretary/Treasurer upon either the conclusion of the current term or a prior resignation.~~ Any Member may be removed for cause at any time by the Fire Chief or Town Board.

- (e) **Records.** The fire chief shall assure records are maintained of: all incidents; meeting minutes and attendance; training sessions and attendance; equipment inspections and maintenance; and personnel. The town clerk shall be provided an annual report by the fire chief of such information as the Town Board deems appropriate.
- (f) **Duties.** The fire chief shall be responsible to the Town Board for the overall operation of the department. Duties of officers and other members shall be set forth in the rules and policies created by the department.
- (g) **Obedience to orders.** Any fire fighter in attendance at an incident who shall neglect or refuse to obey orders shall be subject to disciplinary action. Any disciplinary action must be taken by the fire chief and shall be in writing. Disciplinary action may consist of, but not limited to, verbal reprimand, written reprimand, suspension or dismissal. If the fire fighter does not agree with the disciplinary action taken by the fire chief, he or she can request an appeal in writing within thirty days of the disciplinary action. The appeal is to the Town Board. The Town Board shall hear the appeal within 15 days of receipt of the notice of appeal. The Town Board may affirm, overrule or

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modify the disciplinary action of the fire chief.

- (h) **Service outside the Town of Barnes.** Members of the department are authorized to go outside the town limits for the purpose of assisting other fire departments requesting mutual aid within their jurisdiction.
- (i) **New Applicants.** Each applicant shall provide an application for membership in the fire department to the fire chief on a form provided by the chief. The fire chief shall then have a background an investigation conducted. The fire chief shall keep a factual summary of the background investigation and criminal records check of the applicant. The investigation shall be reviewed by at least two officers. ~~If approved by the officers the nomination shall go to the members for a vote of approval.~~ The Town Board shall review all applicants and hear recommendations from the fire chief for approving members to the fire department. ~~If the applicant is denied membership based on the investigation he/she may inspect the summary for the purpose of clarifying, explaining or denying the report's accuracy.~~
- (j) **Minimum Training.** New applicants are trainees until they complete the minimum training requirements outlined in Wisconsin Administrative Code COMM 30 and any additional training mandated by the fire department Standard Operating Guidelines (SOGs).
- (k) **Training and Meetings.** Each fire fighter and trainee shall attend a minimum of six regular meetings and six monthly training sessions a year. to qualify for the Length of Service Award (LOSA) program. With the understanding of the need to be flexible and that there are reasons for absences, those that do not meet the criteria will be reviewed annually by the officers. ~~The results of which may determine disciplinary action to include, but not limited to, written reprimand, suspension or dismissal.~~
- (l) **Compensation.** Members of the fire department shall receive compensation as determined by the town board.
- (m) **Nondiscrimination.** Selection of members, fire chief, or assistant chief shall not be based upon a person's sex, sexual orientation, national origin or religious

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affiliations.

- (n) **Organization and fund raising.** Members may create an organization of fire fighters, family members and friends and hold meetings and engage in fund raising activities. No fund raising activities shall be engaged in without prior approval of the fire chief, and the Town Board.

SEC. 3-1-4 Fire Protection charges. See Ordinance

Establishing Fire Protection Charges dated 12/15/2009-

(1) **Authority.** This ordinance is adopted pursuant to the authority granted town boards under s. 6055(2)b), Wis. Statutes which allows towns to recover the cost of fire calls made to property within the town.

(2) **Liability for Fire Protection Costs.** The Town of Barnes, Bayfield County, Wisconsin may impose a charge for each fire call made within the limits of the Town of Barnes. Such fee shall not exceed the actual cost to the Town for the fire call. If the call is to real estate located within the Town, the charges shall be imposed on all owners of real estate to which the particular fire call is made. In the event that a fire call is not made to real estate located within the Town, but is instead made to personal property, such as a vehicle, the charges provided under this ordinance shall be imposed on all owners of such personal property.

(3) **Payment of Fire Call Fee.** The fire call charges provided for in this ordinance shall be paid in full to the Clerk of the Town of Barnes, no later than 60 days after the date of the particular fire call. The failure to pay the bill within 60 days will result in interest being charged at the rate of 1 ½ percent per month from the date of the bill. Those bills for fire calls to real estate, including interest, that remain outstanding for more than 90 days as of November 1st of any year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge under s 66.0627, Wis. Stat.

(4) **Liability for Fire Calls from Fire Departments Other than Authorized Fire Departments:** Any property owner requesting fire protection directly from any other fire department shall be responsible for the full costs billed to the town resulting from the fire call. This section shall not apply to the costs of any other department responding at the request of an authorized department under a mutual aid agreement.

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(5) **Severability:** Should any section or provisions of this ordinance be declared invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

(6) **Effective Date:** This ordinance shall become effective upon adoption and publication or posting, as provided by law, pursuant to s 60.80, Wis. Stat.

SEC. 3-2

TOWN OF BARNES AMBULANCE SERVICE.

- (a) **Establishment.** Pursuant to Wisconsin Statute 60.565, there is hereby established an ambulance service for the Town of Barnes. The purpose of this service is to provide basic life support and transportation of the sick, disabled or injured individuals to medical facilities. The service area includes the Town of Barnes and surrounding municipalities, which the Town of Barnes has agreed to provide such services. The Barnes ambulance service may also assist other ambulance services in the area on a mutual-aid basis. The ambulance service is intended for emergency and not for non-emergency transportation.
- (b) **Definitions.** By adoption of this ordinance, Wisconsin Statutes 146.50(1)(am), (cm), (c), (d), (dm), (e), (f), (g), (h), (hm), (hr), (i), (im), (j), (k), (l), (m), (n), (o) and (p) are adopted and hereby incorporated herein as though full set forth.
- (c) **Organization.** The ambulance service shall consist of as many emergency medical technicians; first responders; and other medical personnel qualified to staff the ambulance as may be decided by the Ambulance Director, and authorized by the Town Board. All members must maintain state licenses and approvals or appropriate state certification. The ambulance service shall organize and create policies and /or rules. Said rules shall be reviewed and are subject to approval by the Town Board prior to implementation. The ambulance service shall hold meetings on a monthly basis and training as needed to maintain skills. An ambulance driver must be a member of the ambulance service or fire department and must have a valid driver's license on file with the Town Clerk.

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- (d) **Director, Assistant Director and Secretary-Treasurer.** ~~The director, assistant director and secretary-treasurer shall be appointed by the Town Board to term not to exceed two (2) years. The director, assistant director and secretary-treasurer may be removed for cause at any time by the Town Board. This paragraph shall be effective immediately, with the board appointing a director, assistant director and secretary-treasurer upon either the conclusion of the current term or a prior resignation. See Emergency Services Resolution dated 6/15/2010-amended to read as follows:~~ The Ambulance Director shall be appointed by the Town Board. The Assistant Director and Secretary/Treasurer shall be appointed by the Ambulance Director and approved by the Town Board. Any member of the department may be removed for cause at any time by the Ambulance Director or Town Board. This paragraph shall be effective immediately.
- (e) **Duties.** The director shall be responsible to the Town Board for the overall operation of the service. Specific duties of all members shall be listed on separate document. The Ambulance director will provide the Town Board a report on activities of the Ambulance department at, or prior to the regularly scheduled Town Board meeting.
- (f) **Training and Meetings.** Each member shall attend training and meetings and maintain 72 hours/month on-call to be a member in good standing. Each member shall attend a minimum of six regular meetings and six monthly training sessions a year to qualify for the Length of Service Award (LOSA) program. With the understanding of the need to be flexible and that there are reasons for absences, those that do not meet the criteria will be reviewed annually by the officers.
- (g) **Compensation.** The members and officers of the Ambulance Service shall receive compensation as determined by The Town Board. Members are employees of the town and, as such, are covered by the Town's liability insurance and workers compensation- and EAP (employee assistance program).
- (h) **Records.** Upon completion of each ambulance run, the members on duty shall complete Emergency Medical Report Forms or their equivalent as prescribed by the State Department of Health & Family Service and/or medical director. Individual member records shall be maintained

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including license status, training, on-call hours and required medical procedures. Response and member records must be kept in a secure location. Meeting minutes shall be recorded and maintained, as well as equipment inspections and maintenance records.

- (i) **New Members.** Any person interested in becoming a member of the ambulance service shall file an application for membership with the director, assistant director or secretary-treasurer. The director, ~~and assistant director and secretary-treasurer~~ shall interview applicants to verify qualifications. Pursuant to Wisconsin Statutes 146.50(2), no person may act as or advertise for the provisions of services as an ambulance service provider unless the person holds an ambulance service provider license. No individual may act as or advertise for the provision of services as an emergency medical technician unless he or she holds an emergency medical technician license or training permit issued under 146.50(5). No individual may act as or advertise for the provision of services as a first responder unless he or she holds a first responder certificate issued under 146.50(8). Applicants who have not completed training or license requirements pursuant to 146.50, Wis. Stats., shall be considered for student status, whereby the Barnes ambulance services shall sponsor necessary training as emergency medical technician or first responder. The Barnes ambulance service will pay student's registration, travel, and other costs specific to emergency training as authorized by the director and the Town Board. The student, upon NON-completion of initial training, shall reimburse the Town for the costs incurred. Student status shall not have voting privileges or compensation benefits until the State certifications and licenses have been obtained. The Town Board shall review all applicants and hear recommendations from the director for approving members to the Barnes ambulance service.
- (j) **Medical Director.** ~~The Town Board, with advice from the service,~~ The service shall contract with a physician to be medical director.
- (k) **Equipment.** All equipment and any ambulance operated by the Barnes ambulance service shall comply with the requirements of Wisconsin Administrative Code Trans. 309. Equipment shall be inspected and maintained at regular intervals.

Members, when available, shall monitor an electronic device as provided by the service, (radio, pager, etc.) for notification of ambulance dispatches.

- (l) **Ambulance fund established.** There is hereby established

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and the Town Treasurer shall maintain a fund to be known as the "Ambulance Fund", a record of which shall be kept by the Town Treasurer, into which shall be paid all moneys received for the use of the ambulance and from which all disbursements shall be paid. The Town Board shall establish rates to be charged for ambulance services.

- (m) ~~**Interference with service.** It shall be unlawful for any person to make, or cause to be made a call for ambulance service without probable cause, or to neglect to obey any reasonable order of a driver or attendant at an ambulance call, or to interfere with the ambulance service's discharge of its duties~~
- (m) **All person eligible Nondiscrimination.** Selection of members, director, assistant director or secretary-treasurer shall not be based upon a person's sex, sexual orientation, national origin or religious affiliation.
- (n) **Fund raising and organizations.** The members of the Ambulance Service may create an organization of members, family or friends; hold organization meetings; and engage in fund raising activities. No fund raising activities shall be engaged in without prior approval of the Ambulance Director and the Town Board.

SEC. 3-3 AUTHORIZATION FOR AMBULANCE SERVICE TO HOLD VOLUNTEER FUNDS.

- (a) **Purpose and Authority.** This ordinance is enacted pursuant to the authority of Wisconsin Statute Section 66.0608 for the purpose of authorizing "volunteer funds" to be held in the name of the Ambulance Department. This ordinance is to be interpreted in conformance with that section as it may be amended from time to time.
- (b) **Adoption of Ordinance.** The Town Board of the Town of Barnes does hereby authorize the Ambulance Director to direct the deposit of volunteer funds of the department in an account in the name of the Ambulance Department in any public depository in which the Town Treasurer is holding other town funds.
- (c) **Control of Funds.** The Ambulance department, through its

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Ambulance Director, Assistant Ambulance Director and Secretary Treasurer is granted exclusive control over the expenditure of funds of the department. This authority is granted without limitation as to amount or type of funds. It is subject to the limitations and requirements hereinafter set forth.

- (d) **Limitations and Requirements.** The following limitations and requirements shall apply to the handling and disbursement of funds from the account:

(1) **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of ambulance 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 ambulance department to provide services for which it is organized.

(2) **Accountings.** The Ambulance Director shall provide the town with an annual statement of account. The statement shall be provided within thirty days of the Town's Annual Budget meeting. The statement shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the year. The source of all funds and the identity of the payee for each disbursement shall be set forth.

(3) **Audit.** Ambulance department accounts shall be included in the annual audit of town funds. They shall be audited in the same manner as other town funds.

- (e) **Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, the invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision or application.

ORDINANCE NUMBER: CHAPTER 4

RECYCLING ORDINANCE

- 4.01 Title.** Recycling Ordinance for Town of Barnes.
- 4.02 Purpose.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11 Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- 4.03 Statutory Authority.** This ordinance is adopted as authorized under s. 159.09(3)(b), Wis. Stats., and the Town Board of the Town of Barnes.
- 4.04 Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- 4.05 Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- 4.06 Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- 4.07 Applicability.** The requirements of this ordinance apply to all persons within the Town of Barnes.
- 4.08 Administration.** The provisions of this ordinance shall be administered by the Town Board of the Town of Barnes.
- 4.09 Effective Date.** The provisions of this ordinance shall take effect on March 20, 2012.
- 4.10 Definitions.** For the purposes of this ordinance:
- (1) "Bi-metal container" means a container for carbonated or malt beverages that are made primarily of a combination of steel and aluminum.
 - (2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
 - ~~(3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:~~
 - ~~(a) is designed for serving food or beverages;~~
 - ~~(b) consists of loose particles intended to fill space and cushion the~~

- (21) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in s. 144.43(5) Wis. Stats.
- (23) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (24) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (25) "Yard waste" means, leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. ~~This term does not include stumps, roots or shrubs with intact root balls.~~

4.11 Separation of Recyclable Materials. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials recyclable materials from post-consumer waste and recycled at the Town of Barnes recycling facility or other facility or method in accordance with Chapter NR 544, Wis. Administrative Code:

- (1) Lead acid batteries;
- (2) Major appliances;
- ~~(3) Waste oil;~~
- (4) Yard waste;
- (5) Aluminum containers;
- (6) Bi-metal containers;
- (7) Corrugated paper or other container board;
- ~~(8) Foam polystyrene packaging;~~
- (9) Glass containers;
- (10) Magazines;
- (11) Newspapers;
- (12) Office paper;
- (13) Rigid plastic containers made of PETE, HDPE, ~~PVC~~, LDPE, PP, PS, and other resins or multiple resins;
- (14) Steel containers; and
- (15) Waste tires.

4.12 Separation Requirements Exempted. The separation requirements of s 1.11 do not apply to the following:

- (1) Occupants of a single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as its technically feasible.
- (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

- (3) A recyclable material specified in s. 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

4.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s.1.11 shall be clean and kept free from contaminants as food or product residue, oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

4.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be taken to a local authorized dealer accepting this product or taken to the Town of Barnes recycling facility during such times as the town is accepting lead acid batteries.
- (2) Major appliances shall be taken to a local authorized dealer accepting this product or taken to the Town of Barnes recycling facility during such times as the town is accepting major appliances.
- (3) Yard waste shall be taken to a location determined by the Town Board of the Town of Barnes.
- (4) Waste oil shall be disposed of at a local authorized dealer accepting this product.

4.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of the Town of Barnes, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in s. 1.11(5) through (15):

- ~~(1) All Aluminum containers shall be separated and deposited separately from the recycled materials at the Town of Barnes recycling facility.~~
- (2) Waste tires shall be disposed of at a local authorized dealer accepting this product or taken to the Town of Barnes recycle facility during such times as the town is accepting waste tires.
- (3) All of the following items shall be separated from household garbage but can be co-mingled and deposited together along with other recycled materials at the Town of Barnes recycling facility:
 - (a) Bi-metal containers
 - (b) Corrugated paper or other container board
 - ~~(c) Foam polystyrene packaging~~
 - (d) Glass containers
 - (e) Magazines

- (f) Newspaper
- (g) Office paper
- (h) Rigid plastic containers
- (i) Steel containers

4.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (1) Owners or designated agents of multiple-family dwellings and non-residential facilities shall notify tenants in writing at the time of renting or leasing the dwelling about the established recycling program.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11(5) through (15) from solid waste in as pure a form as is technically feasible.

4.17 Prohibitions on Disposal and Incineration. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11; except that waste oil, yard waste and waste tires may be burned with energy recovery in a solid waste treatment facility, and yard waste may be disposed of in an approved land spreading facility or burned in a licensed facility.

4.18 Enforcement.

- (1) ~~For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee, or representative of the Town of Barnes or an awarded bidder may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any such authorized officer, employee or authorized representative who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.~~
- (2) Any person who violates a provision of this ordinance may be issued a citation by the Town Board of the Town of Barnes to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of citation under this paragraph.
- (3) Penalties of violating this ordinance may be assessed as follows:

- (a) Any person who violates s. 1.17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not less than \$200 nor more than \$2,000 for a third violation.
- (b) Any person who violates a provision of this chapter except for s. 1.17, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

This ordinance shall take effect upon adoption by the Town Board of Supervisors and the filing of the proof of publication or posting in the office of the Town Clerk.

- Date Original Recycling Ordinance Adopted: 11.20.2007
- Date Original Recycling Ordinance Published: 12.06.2007

This Ordinance Revision is hereby adopted on this 20th day of March 2012, by the Town Board of the Town of Barnes in Bayfield County, Wisconsin:

Lu Peet – Town Chairperson

Christine M. Webb – Supervisor

Jack Meinke – Supervisor

Donna Porter – Supervisor

Mitch McGee – Supervisor

Published: _____

Posted: _____

Attested: _____
Stephen C. Baldwin, Town Clerk-Treasurer

Dated: _____

Chapter 7

Unauthorized Activities on Dams, Locks and Town of Barnes Property

- 7-1 Purpose
- 7-2 Unauthorized activities: Locks
- 7-3 Unauthorized activities: Dams & Waters near Dams
- 7-4 Unauthorized activities: Town Property
- 7-5 Forfeitures and Penalties

SEC. 7-1 PURPOSE.

The purpose of this ordinance is to regulate activity within the Locks, Dams and waterways near and within the Locks and Dams, and property owned by the Town of Barnes.

SEC. 7-2 UNAUTHORIZED ACTIVITIES: LOCKS.

- (a) No person shall throw rocks, debris, or any other material or object into the locks between the Lower and Middle Eau Claire Lakes in the Town of Barnes.
- (b) No person shall tamper with or interfere with the operation of the locks in any manner.

SEC. 7-3 UNAUTHORIZED ACTIVITIES: DAMS & WATERS NEAR DAMS.

- (a) No person shall intentionally jump, dive or otherwise alight from the South Shore Road Bridge which crosses over the dam on the Eau Claire River, between the Middle and Lower Eau Claire Lakes, in the Town of Barnes, into the waters of said dam or does the same from any structure below said bridge into the waters of said dam.

- ~~(b) No person shall use the South Shore Road Bridge, which crosses over the dam on the Eau Claire River, between the Middle and Lower Eau Claire Lakes, in the Town of Barnes or any land immediately adjacent thereto or the dam over which said bridge crosses between the hours of 12:00 a.m. (midnight) and 5:00 a.m.~~

Unauthorized Activities on Dams, Locks and Town of Barnes
Property

Chapter 7

SEC. 7-4 UNAUTHORIZED ACTIVITIES: TOWN PROPERTY.

No person shall camp, sleep or stay overnight on any property owned by the Town of Barnes, regardless of whether it is designated park, recreation area or other town property.

SEC. 7-5 FORFEITURES and PENALTIES.

The forfeitures and penalties provided for in this section shall be applicable to violations of Sections 7-2, 7-3 and 7-4 of this Ordinance in accordance with Chapter 1.

- (a) ~~Violation of this ordinance shall be in accordance with the schedule of deposit, which are now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future.~~

CHAPTER 8

BOATING & WATER SAFETY

- 8-1 8-1 Purpose.
- 8-2 8-2 Applicability and Enforcement.
- 8-3 8-3 State Boating and Water Safety Laws Adopted.
- 8-5 8-5 Forfeiture and Penalties.

SEC. 8-1 PURPOSE.

The purpose 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.

SEC. 8-2 APPLICABILITY AND ENFORCEMENT.

The provisions of this Ordinance shall apply to all the waters located within the ~~exterior~~ boundaries of the Town of Barnes. The enforcement provisions of this Ordinance shall be ~~by the Constable of the Town of Barnes.~~ as stated in Chapter 5.

SEC. 8-3 STATE BOATING AND WATER SAFETY LAWS ADOPTED.

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and water related activities and safety in the following enumerated sections of the Wisconsin Statutes, for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Town of Barnes and made part of this ordinance as if fully set forth herein.

<u>Wis. Stat. Section</u>	<u>Title</u>
30.50	Definitions
30.66	30.66 Speed
	Restrictions
30.67	30.67 Accidents and
	Accident Reports
30.68	30.68 Prohibited
	Operation
30.681	Intoxicated Boating
30.69	30.69 Water Skiing

CHAPTER 8

SEC. 8-5 FORFEITURES AND PENALTIES.

The forfeitures and penalties provided for in this section shall be applicable to violations of ~~Section 8-4~~ of this Ordinance in accordance with Chapter 1.

~~(a) (a) Violation of this ordinance shall be in accordance with the schedule of deposit, which are now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future.~~

Chapter 9

Offenses Against Property

- 9-1 Purpose
- 9-2 State Offenses Against Property Laws Adopted
- 9-3 Destruction, Defacement of Property
- 9-4 Littering
- 9-5 Forfeitures and Penalties

SEC. 9-1 PURPOSE.

The purpose of this ordinance is to maintain property within the Town of Barnes in free and clear from destruction or defacement and in order to ensure safety and healthful conditions for all persons.

SEC. 9-2 STATE OFFENSES AGAINST PROPERTY LAWS ADOPTED.

The statutory provisions describing and defining regulations with respect to offenses against property against the peace and good order of the Town provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances in Sec. 1-7. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

<u>Wis. Stat. Section</u>	<u>Title</u>
943.13	Trespass to Land
943.24	Issue of Worthless Checks

SEC. 9-3 DESTRUCTION, DEFACEMENT OF PROPERTY.

- (a) No person shall willfully injure or intentionally deface, draw, mark, write with paint or other substance, etch or destroy unlawfully remove, take or meddle with any property of any kind or nature within the Town of Barnes and belonging to the Town of Barnes, its departments without the owner's consent.
- (b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage or defacement of the property caused by the willful, malicious or wanton act of such

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minor; such liability shall not exceed Five Thousand (\$5,000.00) Dollars.

SEC. 9-4 LITTERING.

(a) **Definitions.** As used in this ordinance, the following definitions apply:

- (1) **"Garbage"** waste resulting from the handling, preparation, cooking and consumption of food; waste from the handling, storage and sale of produce.
- (2) **"Refuse"** combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles. Provided, refuse shall not include earth and wastes from building operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.
- (3) **"Ashes"** residue from fires used for cooking and heating buildings.

(b) **Littering prohibited.**

- (1) No person shall leave, place, throw or deposit or cause or permit any other person to leave, place, throw or deposit, in or upon any street or public place, or in or upon any vacant or private lot or premises, any ashes, rubbish, garbage, refuse or other like or similar substances or materials.
 - a. It shall be unlawful to place or permit to remain anywhere in the Town of Barnes any garbage, or other material subject to decay other than leaves or grass, excepting in a tightly covered container.
 - b. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind

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anywhere in the Town of Barnes excepting in a covered container.

- c. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street, road or alley in the town, provided, that this section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this ordinance preparatory to having such material collected and disposed of in the manner provided herein. Any garbage, refuse or ashes or building materials being carried by a motor vehicle on a public street, road or alley in the Town of Barnes shall be fully covered.
- d. It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the town without the consent of the owner of such premises.

SEC. 9-5 FORFEITURES and PENALTIES.

The forfeitures and penalties provided for in this section shall be applicable to violations of Sections 9-3 and 9-4 of this Ordinance in accordance with Chapter 1.

- ~~(a) Violation of this ordinance shall be in accordance with the schedule of deposit, which are now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future.~~

Chapter 10

Offenses Involving Snowmobile Operation

- 10-1 Purpose
- 10-2 State Snowmobile Laws Adopted
- 10-3 Snowmobile Travel Within Town Limits
- 10-4 Designated Roads for Operation of Snowmobiles
- 10-5 Forfeitures and Penalties

SEC. 10-1 PURPOSE.

This is the Town of Barnes Snowmobile Ordinance. Its purpose is to regulate traffic of snowmobiles in the Town of Barnes.

SEC. 10-2 STATE SNOWMOBILE LAWS ADOPTED.

Except as otherwise specifically provided in this Chapter, all provisions of the Wisconsin Statutes Chapter 350, under Sections 350.01 through 350.19 and 350.99 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 the 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 in Chapter 350 shall exclusively govern violations of this Section.

SEC. 10-3 SNOWMOBILE TRAVEL WITHIN TOWN LIMITS.

Snowmobiles may be operated from private residences on all town roads for the purposes of going to or returning from designated trails and routes. In operating on said town roads, the operator shall comply with the following conditions:

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- (a) Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
- (b) Snowmobiles are to be operated in single file.
- (c) Snowmobiles shall not exceed speeds of 35 miles per hour.
- (d) Headlights shall be on at all times.
- (e) Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.

SEC. 10-4 DESIGNATED ROADS FOR OPERATION OF SNOWMOBILES.

All roads are designated for the operating of snowmobiles and shall be marked by snowmobile route signs.

~~The following roads are designated for the operating of snowmobiles and shall be marked by snowmobile route signs:~~

- ~~(a) **Birch Lake Road** from Lake Road north to Pickeral Lake Road.~~
- ~~(b) **Bony Lake Road** from Birch Lake Road to Highway 27.~~
- ~~(c) **Denver Road** from Highway 27 West to Douglas County Line.~~
- ~~(d) **Dick Road** from County N north to junction of Trail 7 west.~~
- ~~(e) **Halfway Road** from County A west to Douglas County Line.~~
- ~~(f) **Lake Road** from junction of County N to Robinson Lake Road.~~
- ~~(g) **Lake Road** from junction of Birch Lake Road west to Highway 27 and from Highway 27 west to County Y.~~
- ~~(h) **Old Birch Lake Road** from junction of Birch Lake Road north to Trail 14 east.~~
- ~~(i) **Moore Road** from Ellison Lake Road north to Hughes Town Line Road.~~
- ~~(j) **Mulligan Creek Road** from Pease Road south to junction of Trail 5 north.~~
- ~~(k) **Robinson Lake Road** from junction of County N to Lake Road.~~
- ~~(l) **West Dump Road** from Fire #86-136 south to junction of Mesinee Pulp Road west Trail 7.~~

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SEC. 10-5 PENALTIES and FORFEITURES.

The forfeitures and penalties provided for in this section shall be applicable to violations of Sections 10-3 and 10-4 of this Ordinance in accordance with Chapter 1.

- (a) ~~Violation of this ordinance shall be in accordance with the schedule of deposit, which are now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future.~~

Chapter 11

Offenses Involving ATV/UTV Operation

11-1	Purpose
11-2	State ATV/UTV Vehicle Laws Adopted
11-3	ATV/UTV Travel Within Town Limits
11-4	Designated Roads for Operation of ATV/UTV'S
11-5	Forfeitures and Penalties

SEC. 11-1 PURPOSE.

This is the Town of Barnes All-Terrain Vehicle (**ATV**) and Utility Terrain Vehicle (**UTV**) Ordinance. Its purpose is to regulate all ATV and UTV operators, traffic and use in the Town of Barnes.

SEC. 11-2 STATE ATV/UTV VEHICLE LAWS ADOPTED.

Except as otherwise specifically provided in this Chapter, all provisions of the Wisconsin Statutes Section 23.33 and Chapter NR 64 of the Wisconsin Administrative Code as are now in existence and as it may be amended from time to time in the future, and which describe and define regulations with respect to ATV/UTV operators for which the penalty is a forfeiture only, including the penalties to be imposed and the 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.

SEC. 11-3 ATV/UTV TRAVEL WITHIN TOWN LIMITS.

The operator of any ATV shall comply with the following conditions:

- (a) ATV/UTV's shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
- (b) ATV/UTV's are to be operated in single file.
- (c) ATV/UTV's shall not exceed speeds of 25 miles per hour when operated on plowed town roads within the Town of Barnes.
- (d) Headlights shall be on at all times.
- (e) ATV/UTV operators shall yield the right-of-way to other vehicular traffic and pedestrians.

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SEC. 11-4 DESIGNATED ROADS FOR OPERATION OF ATV/UTV'S*

All Town of Barnes roads-effective on and after its passage and posting enacted at regular town board meeting the 21st day of May 2013.

The following roads are designated for the operating of ATV's and shall be marked by uniform marking signs:

- (a) ~~Birch Lake Road~~ from Lake Road north to Pickerel Lake Road.
- (b) ~~Bony Lake Road~~ from Birch Lake Road to Highway 27.
- (c) ~~Roy Dick Road~~ from County N north to junction of Trail 7 west.
- (d) ~~Halfway Road~~ from County A west to Douglas County line.
- (e) ~~Junction Birch Lake Road & Moon Road~~, north 0.3 miles to Trail 14 east.
- (f) ~~All of Lake Road~~ from County Highway Y to County Highway N.
- (g) ~~Moore Road~~ from Ellison Lake Road north to one (1) mile north of Halfway Road.
- (h) ~~Mulligan Creek Road~~ from Pease Road south to junction of Trail 5 north.
- (i) ~~Pease Road~~ from County N, south to Mulligan Creek Road.
- (j) ~~Outlet Bay Road~~ from Lake Road south to Big Pines (Hwy 27).
- (k) ~~All of Robinson Lake Road.~~
- (l) ~~Idlewild Lake Road to West Idlewild Lake Road to Lake Road.~~
- (m) ~~Denver Road~~ from Highway 27 west to Douglas County Line.
- (n) ~~Barnes Road~~ from trail to County N.
- (o) ~~George Lake Road~~ from Gronemus Road to Island Drive, Island Drive to Island Lake Road, Island Lake Road to the Moore Road.
- (p) ~~Gronemus Road~~ from George Lake Road to Loon Lake Road.
- (q) ~~Pickerel Lake Road~~ from Highway 27 to Lake Road and Lake Road from Pickerel Lake Road to the existing route on Lake Road at Buck N Bass.
- (r) ~~Tars Pond Road~~ from Pease Road to Drummond Town line.
- (s) ~~River Road~~ from the Lake Road to South Shore Road to the Enchanted Inn Campground area.

* ~~Note: SEE CURRENT 11-11-4 AMENDMENT FOR COMPLETE LIST OF DESIGNATED TOWN ROADS/ROUTES.~~

SEC. 11-5 PENALTIES and FORFEITURES.

The forfeitures and penalties provided for in this section shall be applicable to violations of Sections 11-3 and 11-4 of this Ordinance in accordance with Chapter 1.

- (a) ~~Violation of this ordinance shall be in accordance with the schedule of deposit, which are now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and~~

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penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future.

**This Ordinance is hereby amended and adopted this date by the Town Board,
Town of Barnes**

Adopted: September 18, 2012

Lu Peet – Town Chairperson **Christine M. Webb – Town Supervisor**

Jack Meinke – Town Supervisor **Donna Porter – Town Supervisor**

Mitch McGee – Town Supervisor

Published: **Posted:**

Attest: **Dated:**
Stephen C. Baldwin, Town Clerk-Treasurer

Document History	Document No.	Date
Original	ORD-11	August 9, 2005
First Revision	ORD-11-A	September 18, 2012

Chapter 12

Public Safety

12-1	Purpose
12-2	Restrictions on Parking
12-3	Public Safety Laws Adopted
12-4	Forfeitures and Penalties
12-5	<u>Hazardous Waste Ordinance</u>
12-6	<u>Fireworks</u>
12-7	<u>Snowmobiles</u>

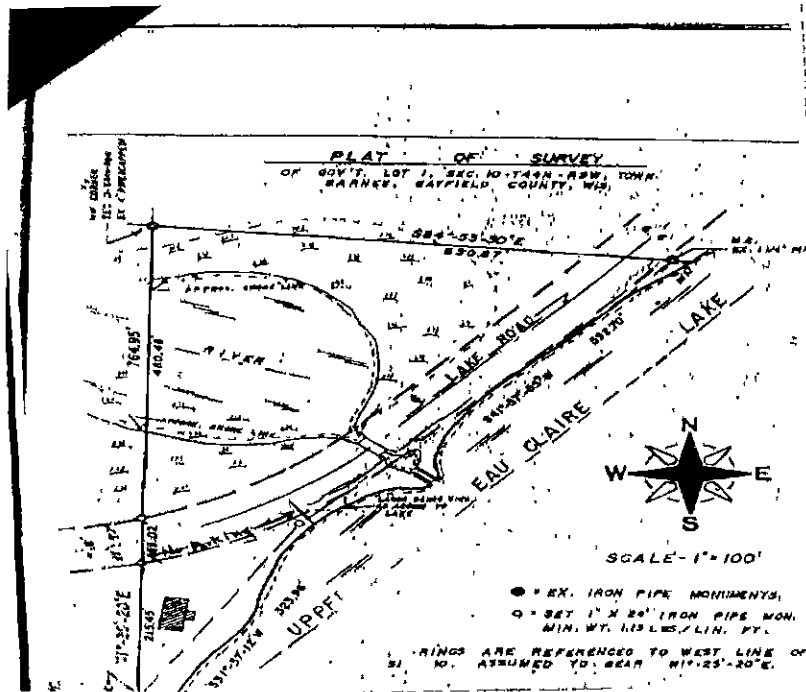
SEC. 12-1 PURPOSE.

- (a) The purpose of this ordinance is to maintain and ensure public safety.

SEC. 12-2 RESTRICTIONS ON PARKING.

- (a) No person shall park a motor vehicle along the south side of Lake Road adjacent to that part of Lot One (1), of Certified Survey Map No. 000607 recorded in Volume Four (4) of Certified Survey Maps, Pages 225-226, inclusive, located in Government Lot One (1), Section Ten (10), Township Forty-four (44) North, Range Nine (9) West, Bayfield County, State of Wisconsin, southwest of the parcel of real estate owned by the Town of Barnes commonly known as the public beach and boat landing. The area delineated as "No Parking" is as follows:

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- (b) The Town of Barnes shall maintain signs suitable to give notice of the "No Parking" area as designated above.

SEC. 12-3 OFFENSES OF PUBLIC SAFETY LAWS ADOPTED.

The statutory provisions describing and defining regulations with respect to offenses for public safety for the peace and good order of the Town provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances in Sec. 1-7. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

<u>Wis. Stat. Section</u>	<u>Title</u>
941.20	Endangering Safety by Use of a Dangerous Weapon

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SEC. 12-4 FORFEITURES AND PENALTIES.

The forfeitures and penalties provided for in this section shall be applicable to violations of Section 12-2 this Ordinance: in accordance with Chapter 1.

~~(a) Violation of this ordinance shall be in accordance with the schedule of deposit, which is now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future.~~

SEC. 12-5 HAZARDOUS WASTE

SECTION I - TITLE/PURPOSE

The title of this ordinance is the Town of Barnes Waste Treatment, Disposal, and Storage Ordinance. The purpose of this ordinance is for the Town of Barnes to regulate by permit and penalty, the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Town of Barnes.

SECTION II - AUTHORITY

The town board of the Town of Barnes has the specific authority under s. 289.22, Wis. stats., and the general authority under its village powers to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

The town board of the Town of Barnes, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town of Barnes to regulate and permit the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Town of Barnes.

SECTION IV - DEFINITIONS

In this ordinance, the following definitions shall apply:

- A. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under

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ch. 283, Wis. stats., or source material, as defined in s. 254.31 (1), Wis. stats., special nuclear material as defined in s. 254.31 (11), Wis. stats., or by-product material, as defined in s. 254.31 (1), Wis. stats.

- B. "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. Solid waste facility includes the land where the facility is located. Solid waste facility does not include a facility for the processing of scrap iron, steel, or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for re-melting purposes. Solid waste facility does not include a facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes. Solid waste facility does not include an auto junkyard or scrap metal salvage yard. Solid waste facility does not include any facility exempt from Town regulation by State law or regulation, including certain demolition facilities.
- C. "Solid waste disposal" means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. This term does not include the transportation, storage, or treatment of solid waste.
- D. "Solid waste" treatment means any method, technique, or process that is designated to change the physical, chemical, or biological character or composition of solid waste, including incineration.
- E. "Solid waste storage" means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
- F. "Hazardous waste" means any solid waste identified by the state Department of Natural Resources as hazardous under s. 291.05 (1), (2), or (4), Wis. stats.
- G. "Hazardous waste facility" means a site or structure for the treatment, storage, or disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.
- H. "Town" means the Town of Barnes, Bayfield County, Wisconsin.
- I. "Town board" means the board of supervisors for the Town of Barnes, Bayfield County, Wisconsin and includes designees of the board authorized to act for the board.
- J. "Town clerk" means the clerk of the Town of Barnes, Bayfield County, Wisconsin.
- K. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V – COVERAGE

- A. No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the town without a permit issued by the town board under this ordinance.
- B. The permit under this ordinance shall be considered a local approval, as defined in s. 289.33 (3)(d), Wis. stats., subject to the requirements of s. 289.22, Wis. stats.
- C. The permit application fees shall be established annually by resolution of the town board. The permit shall be issued by the town board or its designees prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any facility or site in the town that is subject to this ordinance.

SECTION VI – APPLICATION/PERMIT

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The application for the town permit under this ordinance shall designate the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person changes the premises in the town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain the following:

1. The name of the applicant and the name of the agent for the applicant, if any.
2. The address of the applicant.
3. The address and legal description of the premise for the facility or site and the current owner of the premises.
4. The age of the applicant, if a natural person not over the age of 18 years.
5. The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises.
6. The length of time in years for construction of the facility, if applicable.
7. All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, and long-term care.
8. All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, and long-term care.
9. The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
10. The current and proposed zoning and land use plan for the facility premises, if any.
11. The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis.
12. The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis.
13. Copies of all feasibility reports and plan of operations submitted or to be submitted to the state Department of Natural Resources.
14. The financial security projected to be provided by applicant to insure compliance with the permits as issued and with any other approvals.
15. Any public nuisance or threats to the public health or safety known by applicant located at or near the proposed or current waste location.
16. Any other information regarding the construction, operation, closure or long-term care of the facility requested by the town in the application form.

SECTION VII – EXEMPTIONS

All of the following facilities, sites, or uses in the town are exempt from this ordinance:

1. A facility or site under s. 289.43 (5), Wis. stats., used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single family or household in the town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
2. The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances in the county.
3. The discharge of human waste products into any public sewerage system located within the town, or of the land spreading of human waste products on lands in the town.
4. A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.

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5. Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the town.
6. Any existing waste facility or site operating upon the effective date of the ordinance with the current waste uses or activities at the facility or site that may or may not be subject to any preexisting town ordinance. Any new waste, storage, disposal, or treatment uses or activities, after the effective date of this ordinance, or any expansion of the capacity of the facility or site, after the effective date of this ordinance, shall be subject to this ordinance.
7. Any demolition or other waste facility, including any land spreading of wood, ash, or sludge site exempt under s. 289.43, Wis. stats.
8. Any alcohol fuel production system exempt under s. 289.44, Wis. stats.
9. Any fruit and vegetable waste facility exempt under s. 289.445, Wis. stats.
10. Any recyclable material collection facility approved for collection or processing operations by the County of Bayfield, the town, or any responsible unit under s. 287.09, Wis. stats.
11. Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the ordinance.
12. Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
13. Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the town; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster, container, or is stored in another way as not to cause public or private nuisance.
14. Any open container or other system used to burn non-toxic or non-hazardous material in a lawful manner and as not to cause a public nuisance in the town.

SECTION VIII – SPECIFIC ORDINANCE/PERMIT PROVISIONS

1. No person shall be issued or reissued a permit in the town under this ordinance until the appropriate application fee has been paid by the applicant to the town clerk.
2. No person shall be issued or reissued a permit under this ordinance who has failed to properly and fully comply and submit to the town clerk complete and truthful response on the application form developed and provided by the town.
3. No person shall be issued or reissued a permit in the town under this ordinance, and any permit may be revoked or suspended after a public hearing by the town board, if the facility applicant or the permittee fails to do any of the following:
 - a. Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the appropriate town, County of Bayfield, state, and federal agencies.
 - b. Comply with all conditions and restrictions attached by the town board to the permit issued under this ordinance by the town board.
 - c. Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the town board.
4. The town board may, in order to prevent public nuisances, to protect the public health, and to protect the environment in the town, require specific conditions or restrictions to be attached to any permit issued by the town board under this ordinance. These

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conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.

SECTION IX – PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$2,000 nor more than \$25,000, plus the application surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the town board may seek a injunctive relief from a court of record to enjoin further violations.

SECTION X – SEVERABILITY

If any provision of this ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

SECTION XI – EFFECTIVE DATE

This Ordinance is effective on publication. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

SEC. 12-6 FIREWORKS

SECTION I-TITLE/ PURPOSE

The title of this Ordinance is the Town of Barnes Fireworks Control Ordinance. The purpose of this Ordinance is to regulate, prohibit and provide penalties for the possession and use of specific fireworks.

SECTION II-AUTHORITY

The Town Board of the Town of Barnes has the specific authority under ss.167.10 Wis. Stats and general authority under Village Powers to adopt the Ordinance.

SECTION III-ADOPTION OF ORDINANCE

The Town Board of the Town of Barnes, by this Ordinance, adopted with a quorum and a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board of the Town of Barnes to regulate, prohibit and penalize the use and possession of certain fireworks in the Town of Barnes.

SECTION IV-DEFINITIONS

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- A. "Fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion, which does not have another common use, but does not include any of the following:
1. Fuel or a lubricant.
 2. A firearm cartridge or shotgun shell.
 3. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a rail way, aircraft, watercraft or motor vehicle.
 4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 5. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosives.
 6. A toy snake, which contains no mercury.
 7. A model rocket engine.
 8. Tobacco and a tobacco product.
 9. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or viable effects or to produce audible or visual effects.
 10. A device designed to spray out paper confetti or steamers and which contains less than one-quarter grain of explosive mixture.
 11. A fuseless device that is designed to produce audible or viable effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 12. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or viable effects, or audible and visual effects.
 13. A cylindrical fountain that contains one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
 14. A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

SECTION V-COVERAGE

- A. No person in the Town of Barnes may sell or possess in the Town of Barnes with intent to sell fireworks, except:
1. To a person holding a permit under this Ordinance.
 2. To a City, Village or Town; or
 3. For a purpose specified under this Ordinance.
- B. No person may possess or use fireworks in the Town of Barnes without a Town User's Permit issued by the chairperson of the Town of Barnes or his or her designee.
1. No permits will be issued for the use of fireworks on the Town of Barnes property except by
an approved licensed provider.
 2. If applying for a permit on someone else's property- rental, homeowners, resort, etc. - a copy
of insurance policy, must be provided by the property owner.
- C. Provision B does not apply to:

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1. The Town, but municipal fire and law enforcement officials shall be notified of the
proposed use of fireworks at least two (2) days in advance.
 2. The possession or use of explosives in accordance with rules or general orders of the
Department of Commerce.
 3. The disposal of hazardous substances in accordance with rules adopted by
Department of
Natural Resources.
 4. The possession or use of explosive or combustible materials in any
manufacturing process.
 5. The possession or use of explosive or combustible materials in connection
with classes
conducted by educational institutions.
 6. A possessor or manufacturer of explosives in possession of a license or
permit under 18
USC 841 to 848 if the possession of the fireworks is authorized under the
license or permit.
 7. Except as provided in Paragraph C, the possession of fireworks in the Town
of Barnes while
transporting the fireworks to a City, Town or Village where the possession of
the fireworks
is authorized by permit or ordinance.
- D. Paragraph B applies to a person transporting fireworks under Paragraph C (7), if, in
the course of
transporting the fireworks through the Town of Barnes, the person remains in the
Town of Barnes
for a period of at least twelve (12) hours.
- E. A permit under this Ordinance may be issued only to the following:
1. A public authority.
 2. A fair association.
 3. An amusement park.
 4. A park board.
 5. A civic organization.
 6. A group of resident or nonresident individuals.
 7. An agricultural producer for the protection of crops from predatory birds or
animals.
- F. A person issued a permit for crop protection in the Town of Barnes shall erect
appropriate warning
signs disclosing the use of fireworks for crop protection.
- G. The person issuing permit for the Town of Barnes under this subsection will require
an indemnity
bond with good and sufficient sureties or policy of liability insurance for the payment
of all claims
that may arise by reason of injuries to person or property from the handling, use or
discharge of
fireworks under the permit. The bond or policy shall be taken in the name of the
Town and any
person injured thereby may bring an action on the bond on policy in the person's
own name to

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recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all

persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy

of the permit, shall be filed in the Office of the Clerk of the town.

H. A permit under this Ordinance shall specify all of the following:

1. The name and address of the permit holder.
2. The date on and after which fireworks may be purchased.
3. The kind and quantity of fireworks which may be purchased.
4. The date and location of permitted use.
5. Other special conditions prescribed by the Town Chair, Town Board or their

designee.

I. A copy of a permit under this subsection shall be given to the Town of Barnes fire or law

enforcement official at least two (2) days before the date of authorized use.

J. A permit under this Ordinance may not be issued to a minor.

SECTION VI-STORAGE, HANDLING AND IGNITING

A. No wholesaler, dealer or jobber may store or handle fireworks in premises in the Town of Barnes

unless the premise are equipped with fire extinguishers approved by the Fire Chief or his or her

designee of the Town of Barnes where the premises are located.

- B. No person may smoke where fireworks are stored or handled.
- C. A person who stores or handles fireworks shall notify the Fire Chief of the Town of the location of the fireworks.
- D. No wholesaler, dealer or jobber may store fireworks within fifty (50) feet of a dwelling.
- E. No person may store fireworks within fifty (50) feet of a dwelling where gasoline or volatile liquid is dispensed in quantities exceeding one (1) gallon.

SECTION VII-PARENTAL/GUARDIAN LIABILITY

A parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by a minor is liable for damages caused by the minor's use of the fireworks.

SECTION VIII-MUNICIPAL LIABILITY

The Town or any committee, official or employee of the Town of Barnes is not civilly liable for damage to any person or property caused by fireworks for the sole reason that the Town of Barnes issued by its Town Chair or his or her designees a permit in accordance with the use requirements and conditions established and any applicable requirements authorized under the Ordinance that authorized that purchase, possession or use of the fireworks in the Town of Barnes.

SECTION IX-PENALTIES

Violation of this ordinance shall be in accordance with the schedule of deposit, which are now in existence and as may be amended from time to time in the future, plus any applicable

Chapter 12

assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future.

SECTION X-SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this Ordinance are severable.

SECTION XI-EFFECTIVE DATE

This Ordinance is effective upon publication.

The Town Clerk shall properly post or publish this ordinance as required under ss. 60.80, Wis Stats.

SECTION 12-7 SUPERCEDED BY CHAPTER 10 AS UPDATED IN 2019

~~SEC. 12-7 — SNOWMOBILE DESIGNATED ROUTES~~

~~SECTION I — TITLE AND PURPOSE~~

~~The title of this ordinance is the Town of Barnes Designated Snowmobile Route Ordinance. The purpose of this ordinance is to establish snowmobile routes in the town and to regulate the operation of snowmobiles in the town.~~

~~SECTION II — AUTHORITY~~

~~The town board has the specific authority to adopt this Snowmobile Route Ordinance under s. 350.18, Wis. stats. [and if applicable, and general authority under its village powers under s. 60.22, Wis. stats.]~~

~~SECTION III — ADOPTION OF ORDINANCE~~

~~This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, designates snowmobile routes in the town and provides for the regulation of the use of those trails.~~

~~SECTION IV — DESIGNATION OF SNOWMOBILE ROUTES~~

~~The following routes are designated snowmobile routes in the town: [list road names and designate parts of roads and locations affected or attach a plat map to the ordinance with designated highways marked as snowmobile routes].~~

- ~~1. The shoulder/highway right of way of County Highway N, from Pease Road to County Highway A.~~

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2. ~~The shoulder/highway right of way of County Highway A, from County Highway N to Kickapoo Trail.~~
3. ~~The shoulder/highway right of way of County Highway N, from Robinson Lake Road to Barnes Road.~~

SECTION V — ~~CONDITIONS APPLICABLE TO SNOWMOBILE ROUTES~~

~~The following restrictions are placed on the use of the town snowmobile routes designated by this resolution during the following periods of the year:~~

- A. ~~Town highways designated as snowmobile routes shall be marked with uniform snowmobile route signs in accordance with s. 350.13, Wis. stats. No person may do any of the following in regard to signs marking town snowmobile routes:~~
 1. ~~Intentionally remove, damage, deface, move, or obstruct any uniform snowmobile route or trail sign or standard of the type established by the State of Wisconsin, Department of Natural Resources or intentionally interfere with the effective operation of any uniform snowmobile route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, or any authorized individual.~~
 2. ~~Possess any uniform snowmobile route or trail sign or standard of the type established by the State of Wisconsin, Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform snowmobile route or trail sign or standard in a lawful manner. Possession of a uniform snowmobile route or trail sign or standard creates a rebuttable presumption of illegal possession.]~~
- B. ~~Operation shall be subject to all provisions of s. 350.04 (2), Wis. stats., and any other provision of chapter 350, Wis. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 350.18, Wis. stats.~~
- C. ~~A copy of this ordinance shall be sent by the town clerk to the Bayfield County Sheriff's Department.~~

SECTION VI — ~~ENFORCEMENT~~

~~This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.~~

SECTION VII — ~~PENALTIES:~~ ~~The penalties under s. 350.11, Wis. Stats., are adopted and incorporated by reference.~~

SECTION VIII — ~~SEVERABILITY~~

~~If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.~~

SECTION IX — ~~EFFECTIVE DATE~~

~~This ordinance is effective on publication or posting. The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats., and mail a copy to the State of Wisconsin Department of Natural Resources and to the Bayfield County Sheriff's~~

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Department [~~Note: Department of Natural Resources wardens do not have local ordinance enforcement authority.~~] as required under s. 350.047, Wis. stats.

Chapter 13

Public Nuisances

13-1	Purpose
13-2	Definitions
13-3	Maintaining Property Free from Garbage
13-4	Forfeitures and Penalties

SEC. 13-1 PURPOSE.

The purpose of this ordinance is to regulate exterior property and premises to insure a clean, safe and sanitary environment.

SEC. 13-2 DEFINITIONS.

As used in this ordinance, the following definitions apply:

- (a) **"Exterior Property"**: The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (b) **"Garbage"**: ~~the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.~~ Useless material.
- (c) **"Premises"**: A lot, plot or parcel of land, including buildings or structures thereon.
- (d) **"Rubbish"**: Combustible and non-combustible waste materials, except garbage and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans metals, mineral matter, glass, crockery and dust and other ~~similar~~ materials that have de minimus value and clutter the property.

SEC. 13-3 MAINTAINING PROPERTY FREE FROM GARBAGE.

A person, firm, corporation or other entity owning, leasing, renting or maintaining property shall maintain all exterior property and premises free from any accumulation of rubbish or garbage.

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SEC. 13-4 FORFEITURES AND PENALTIES.

The forfeitures and penalties provided for in this section shall be applicable to violations of Section 13-3 this Ordinance in accordance with Chapter 1.

~~(a) Violation of this ordinance shall be in accordance with the schedule of deposit, which is now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future.~~

Chapter 14

~~Animal Control~~

TO BE RESERVED FOR FUTURE USE

ORDINANCE NUMBER: CHAPTER 16 SECTION 2-1

Town Road Damage Ordinance

(a) TITLE/PURPOSE

This ordinance is entitled the Town Road Damage Ordinance. The purpose of this ordinance is to prohibit damage to town roads in the Town of Barnes.

(b) AUTHORITY

The town board of the Town of Barnes has the specific authority under §82.03, Wis. Stats., to oversee the construction, repair and maintenance of all highways and bridges under the town's jurisdiction.

(c) ADOPTION OF ORDINANCE

The town board of the Town of Barnes, Bayfield County, Wisconsin, by this ordinance, adopted on proper notice, with a quorum and by a roll call vote of the town board present and voting, provides regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the highways and bridges in the town's jurisdiction.

(d) GENERAL PROVISIONS

- (1) "Damage" shall mean any use of a town highway or bridge that causes unscheduled repairs or expedites the normal time for replacement of the highway or bridge, including, but not limited to, damage to the roadway surface and shoulders.
- (2) No person or entity shall cause damage to any highway or bridge under the town's jurisdiction without a prior written permit issued by the Town of Barnes agreeing to repair any and all damages.
- (3) A person or entity shall fully comply with all terms of a permit issued under Section 2-1(d)(2).

(e) FORFEITURES AND PENALTIES

The forfeitures and penalties provided for in this section shall be applicable to violations of Section 2-1(d) of this ordinance. Violation of this ordinance shall be in accordance with the schedules of deposit, which are now in existence and may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhancements now in force in the Bayfield County Circuit Court, or as enforced in the future and restitution as it may apply under §973.20 Wis. stats.

(f) EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance resolution as required under s. 60.80, Wis. stats.

~~Adopted this 17th day of January, 2006~~

Town of Barnes

~~Richard Collyard, Chairman~~

~~Jack Meinke, Supervisor~~

~~Dixie Chermack, Supervisor~~

~~Chris Webb, Supervisor~~

~~Donna Porter, Supervisor~~

~~Adopted: 2/23/06~~

~~Published: 3/02/06~~ ~~Posted: 2/27/06~~

~~Attest:~~ ~~Dated: 2/23/06~~

~~Elaine J. Brustad,~~

~~Clerk-Treasurer~~

CHAPTER 17

DRIVEWAY ORDINANCE

Section 17-1 Title/Purpose
Section 17-2 Authority
Section 17-3 General Provisions
Section 17-4 Procedures and Fees
Section 17-5 Penalties
Section 17-6 Definitions
Section 17-7 Effective Date

17-1 TITLE/PURPOSE

This ordinance is entitled the Town of Barnes Driveway Ordinance. The purpose of the ordinance is to regulate the location and construction of any private access road (private driveway) that will intersect any public road in the Town of Barnes. The ordinance sets forth an orderly procedure for obtaining a driveway permit, and establishes driveway permit fees and penalties for failure to obtain a required driveway permit. The primary purposes for the ordinance include but are not limited to the following:

- (a) Provide safe vehicle access to the public roadways.
(Ingress/egress)
- (b) Prevent water drainage and siltation from private driveways onto public roadways.

17-2 AUTHORITY

The Town Board of the Town of Barnes has been granted village powers pursuant to Sec. 60.10 Wis. Stats, and has the specific statutory authority, powers and duties pursuant to Sec. 60.10., 66.0425 and 86.0" to regulate, control, prevent and enforce against in the Town of Barnes certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town of Barnes and to act for the health, safety and welfare of the public.

17-3 GENERAL PROVISIONS

A Driveway Permit is required whenever a proposed private access road (private driveway) will intersect any public road in the Town of Barnes. If the proposed driveway will intersect a county or state highway, the Wisconsin Department of Transportation, the Bayfield County Highway Department and or the Bayfield County Zoning Administrator may establish the rules and regulations regarding conditions for the permit and compliance with the permit.

If the proposed driveway will intersect a town road, the Board of the Town of Barnes, subject to the following rules and regulations, shall issue the Driveway Permit:

- (a) Requirements governing the Driveway and its Intersection with a Public Road:

The private driveway must be designed and constructed in such a way that it will not cause any damage to the town road nor create any hazard to the public as they travel on the town road. In order to meet this requirement, the Board, or designee shall determine (based on the specific location) whether or not a culvert is required and, if so, the minimum diameter and

the length of the culvert. It shall also determine the angle and slope of the intersecting portion of the driveway and whether any erosion control devices must be installed at or near the intersection in order to minimize damage to the public road.

The minimum driveway surface width at the intersection shall be 20 feet, with a minimum cleared width of 24 feet and a culvert, if necessary, no less than 30 feet.

The minimum height clearance, free of trees, wires, etc., shall be 14 feet. It shall have a recommended road bed of at least 6 inches, composed of 2-3" breaker rock (now called minus) covered with four inches of 3/8" aggregate gravel at grade depending on soil conditions.

The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road.

The angle of any intersection of a town road and driveway shall be 90 degrees where possible, for a minimum horizontal distance of 33 ft. from the intersection as measured from the center of the roadway.

Any conditional variance from these requirements must have prior approval from the Town Board.

- (b) The applicant must agree to comply fully with Sections. 66.0425 and 86.07 Wis. Stats, regarding correction of damage to public roads.

- (c) **"Minimum Driveway/Private Road Recommendations:** The following suggested minimum specifications apply to all new driveway/private roads that extend past the Town right-of-way. These specifications will help provide access to improved or unimproved lots for emergency vehicles such as fire trucks and ambulance service.
Minimum drivable surface: 12 feet for driveways, single property
16 feet for roads, multiple properties
Minimum total driveway/road cleared width: 24 feet.
Minimum height clearance: 14 feet.
Maximum grade: As determined by Town Board or designee.
Culverts: **As determined by Town Board or designee."**

- (d) The Town Driveway Permit does not guarantee that if the permit specifications are met and construction complies with the standards outlined in this ordinance and on the Permit, the applicant will not be liable for damages to the town road after construction is completed.

- (e) EXISTING DRIVEWAYS AND FIELD ROADS

When conditions created by existing driveways or field roads becomes a potential hazard to a public road, the Town Board of Supervisors shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to the penalty of this ordinance and shall be liable for any costs incurred by the Town of Barnes to eliminate such hazard as provided in Wis. Statutes Section 66.60(16). Problems of a non-emergency nature, erosion of material, water, ice, snow, onto a Town road, shall be corrected in 10(Ten) days. Actions that will trigger the need to obtain a driveway permit for existing driveways includes construction of a new residential, commercial, industrial or animal confinement structure.

- (f) If a driveway already exists that presently serves open land and an application is filed for a building permit on the land which is accessed by an existing driveway, the Board will either examine the existing driveway to determine if it is adequate to meet the specifications of this ordinance. The Board shall either document the existence of an approved driveway or shall require changes to bring the driveway up to standard. An approved Town Driveway Permit must be in place before a building permit can be issued.
- a.) If a temporary driveway/access road is required to access a permitted construction site other than the approved driveway to the site a driveway permit is required. Specifications of a temporary driveway will be determined by the Town Board or designee. A temporary approved driveway/access road must be removed and access area restored to original non-driveway condition at time of completed construction or expiration of building permit.
- (g) This ordinance does not address or regulate access from a town road to agricultural land by agricultural implements or related equipment. No driveway permit is required for entry for agricultural purposes into a field or woods that border a town road. However, Sec. 66.0425, 80.021, and 86.07 Wis. Stats, would apply regarding damage or obstruction to a public road or right-of-way. No provision of this ordinance would relieve any person from a requirement to comply fully with Sec. 66.0425, 86.021, and 86.07, and corrective action would always be required from an owner or operator who damages a public road. Any access to agricultural land from a county or state highway will be governed by the Wisconsin Department of Transportation and/or the Bayfield County Highway Department and this ordinance has no authority over their conditions or requirements.
- (h) When a driveway permit is issued, applicant is required to obtain and have installed an address number and sign from Bayfield County Emergency Services.
- (i) A driveway shall be completed within 60 days from start of construction of the driveway or applicant's permit will be revoked. Approved driveway permits are only valid for 1(one) year.

17-4 FEES and PROCEDURES

- (a) Application for a Driveway Permit to intersect a town road should be made to the Town Clerk. The application shall include the legal description of the property; include a rough drawing of the proposed location of driveway, and payment of the required fee. ~~The Chairperson or Supervisor~~ A Town of Barnes representative shall make an appointment to meet with the applicant at the site to discuss the specifics of the access road. Any specific requirements shall be written on the permit and written permission shall be given to begin construction. All expenses of construction and materials will be the responsibility of the applicant.

Under no circumstances will the Town of Barnes perform the actual work of constructing the private access road or setting the culvert, but the Town Chairperson may require that a town employee be present to oversee the construction.

- (b) If permit is denied, applicant has 10(ten) days to submit written appeal to the Town Board.

- (c) If the requirements and procedures of this ordinance are not followed and a private driveway is constructed in such a way as to cause damage to the Town road or to create a hazard to public safety the land owner/applicant shall be required to correct these flaws at the land owner/applicant's expense.
- (d) When the private access road/driveway is completed, the applicant shall notify the ~~Road & Property Foreman~~ Highway Department or designee, and a final inspection of the driveway will be done and documented on the permit.
- (e) The Board of the Town of Barnes will establish the fees for obtaining a Driveway Permit and penalties for failure to obtain a Driveway Permit before constructing a private access road. The fee schedule will be reviewed annually by the Board and adjusted as needed so that the fee will cover the direct costs of onsite consultation, inspection and administration, and the cost for an Address Number sign.

The initial fee schedule established by the Board is shown below and is effective with adoption of this ordinance:

Driveway Permit (includes initial on-site consultation, any interim inspections or consultations, final site inspection and approval) \$25.00.

17-5 FORFEITURES and PENALTIES.

The forfeitures and penalties provided for in this section shall be applicable to violations of this chapter of this Ordinance.

- (a) Violation of this ordinance shall be in accordance with the schedule of deposit, which are now in existence and as may be amended from time to time in the future, plus any applicable assessments, costs, fees and penalty enhances now in force in the Bayfield County Circuit Court, or as enforced in the future. Each day's failure to comply with this Chapter shall constitute a separate offence.

17-6 DEFINITIONS

For the purpose of this ordinance the following definitions shall be used:

- (a) Driveway (Also called Private Access Road) is a private road that gives access to private property from a public roadway.
- (b) Driveway Permit (Issued by Town of Barnes) a permit to construct a private driveway from a town road, through the public road right-of-way to private property. A permit for a driveway which would access a State or County highway, road or street will be defined, regulated and administered by the State of Wisconsin and/or Bayfield County and is not covered by this ordinance. A dwelling, per State definition, meets five of eight characteristics pertaining to dwellings as referenced in MFL legislation and according to Wisconsin Administrative Code NR46.15 (9) or if structure is occupied on a full time basis.
- (c) Intersection That portion of the driveway that passes through the public right-of-way to the Town roadway.
- (d) Town Road Right-of-Way Town roads in the Town of Barnes are presumed to be four rods in width unless originally deeded to the town with a lesser width specified.

17-7 EFFECTIVE DATE

This ordinance shall take effect after a Public Hearing and adoption by the Board of the Town of Barnes and posting as required by law.