PREFACE

The Village of Holmen has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Village, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Village. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Village Board ordered the following codification of the Village's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Village Board of the Village of Holmen, including revisions or amendments to existing legislation deemed necessary by the Village Board in the course of the codification.

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of article or part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several articles are listed beneath the chapter title in order to facilitate the location of the individual item of legislation.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 would be § 6-1, while the fourth section of Chapter 53 would be § 53-4.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

Codification Amendments and Revisions

New chapters adopted during the process of codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code and making such revisions will appear after final enactment. Sections amended or revised are indicated in the text by means of Editor's Notes referring to the chapter cited above.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are

used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6). **NOTE:** In chapters where articles appear on the Table of Contents, simply add new articles to the end of the chapter since they are not arranged by subject matter.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Village officials is gratefully acknowledged by the editor. The codification of the legislation of the Village of Holmen reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

THE CODE

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

§ 1-1. Adoption of Code.

§ 1-2. Code supersedes prior ordinances.

§ 1-3. Continuation of existing provisions.

§ 1-4. Copy of Code on file.

§ 1-5. Amendments to Code.

§ 1-6. Publication; filing.

§ 1-7. Code book to be kept up-to-date.

§ 1-8. Sale of Code book.

§ 1-9. Altering or tampering with Code; penalties for violation.

§ 1-10. Severability of Code provisions.

§ 1-11. Severability of ordinance provisions.

§ 1-12. Repealer.

§ 1-13. Ordinances saved from repeal.

§ 1-14. Changes in previously adopted ordinances.

§ 1-15. When effective.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 10-12-2000 by Ord. No. 1.00]

§ 1-1. Adoption of Code.

Pursuant to W.S.A. s. 66.035, the various chapters and sections of the present Code of Ordinances of the Village of Holmen, and subsequent ordinances of the Village of Holmen of a general and permanent nature adopted by the Village Board of the Village of Holmen, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 195, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Village of Holmen," hereinafter referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the present Code of Ordinances of the Village of Holmen and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the legislation in force immediately prior to the enactment of the Code by this ordinance, are

intended as a continuation of such legislation and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior legislation.

§ 1-4. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Administrator/Clerk and shall remain there for use and examination by the public for at least two weeks, in accordance with W.S.A. s. 66.035, and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Village Administrator/Clerk, and such certified copy shall remain on file in the office of said Village Administrator/Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Holmen" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Administrator/Clerk of the Village of Holmen, pursuant to law, shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Administrator/Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Village Administrator/Clerk, or someone authorized and directed by the Administrator/Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Administrator/Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Administrator/Clerk or an authorized agent of the Administrator/Clerk upon the payment of a

fee to be set by the Village Board. The Administrator/Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Holmen to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than $500, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance adopted subsequent to February 14, 2000.

B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the village's indebtedness.

H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

I. The levy or imposition of taxes, assessments or charges.

J. The annexation or dedication of property or approval of preliminary or final subdivision plats.

K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.

L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.

N. Charter ordinances.

O. Legislation regarding village and ward boundaries.

§ 1-14. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for publication as the Code of the Village of Holmen, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsections B and C hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Village Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

B. The amendments and/or additions as set forth in Schedule A[1] attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

C. Nomenclature.

(1) Throughout the Code, all references to the "Plan Commission" are updated to read "Planning Commission."

(2) Throughout Chapter 29, Building Construction, and Chapter 90, Land Division, references to the Department of Industry, Labor and Human Relations (DILHR) are updated to refer to the Department of Commerce (COMM).

(3) Throughout Chapter 134, Police Commissioners, Board of, references to the "Police Commission" and "Commission" are revised to read "Board of Police Commissioners" and "Board," respectively.

(4) Throughout Chapter 159, Streets and Sidewalks, Article I, Construction and Maintenance of Sidewalks, all references to the "Street Commissioner" are revised to read "Director of Public Works."

§ 1-15. When effective.

This ordinance shall take effect upon passage and publication as required by law.

1. Editor's Note: In accordance with § 1-14B, the chapters, articles and sections which were amended, added, deleted or adopted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 10-12-2000 by Ord. No. 1.00." Schedule A, which contains a complete description of all changes, is on file in the village offices.

Chapter 5

ADMINISTRATION OF GOVERNMENT

§ 5-1. Elective officers.

§ 5-2. Election.

§ 5-3. Duties and salary.

§ 5-4. Appointed officials.

§ 5-5. Village Administrator.

§ 5-6. Composition of Village Board; quorum.

§ 5-7. Village Board meetings.

§ 5-8. Powers of Village Board.

§ 5-9. Standing rules of Village Board.

§ 5-10. Standing committees and special committees.

§ 5-11. Planning Commission.

§ 5-12. Board of Zoning Appeals.

§ 5-13. Board of Review.

§ 5-14. Special assessments payments.

§ 5-15. Delinquent personal property tax.

§ 5-16. Duty of Weed Commissioner to enforce statute.

§ 5-17. Confidentiality of information provided to Assessor.

[HISTORY: Adopted by the Village Board of the Village of Holmen 10-12-2000 by Ord. No. 1.00. Amendments noted where applicable.]

GENERAL REFERENCES

Elections — See Ch. 54.

Board of Police Commissioners — See Ch. 134.

Board of Review — See Ch. 144.

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§ 5-1. Elective officers.

The elective officers shall be the Village President and six Trustees.

A. The President shall be chosen at the annual spring election in odd-numbered years.

B. The Trustees' term of office shall be two years, three of whom shall be elected each year.

C. Vacancies. **[Added 8-13-2009 by Ord. No. 1.09]**

(1) A vacancy in any elective Village office may be filled by Presidential appointment subject to majority approval of the members of the Village Board for the residue of the unexpired term or until a special election is held under Subsection C(2).

(2) A vacancy in any elective office in the Village may be filled by special election of a successor for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens if it happens no later than December 1 preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday of April, then the successor shall be elected on the first Tuesday of April of the next ensuing year, and if the vacancy occurs before June 1 of the year preceding the expiration of the term of office, the Village Board of Trustees

may order a special election to fill the vacancy to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the remainder of the unexpired term.

§ 5-2. Election.

A. Candidates for elective Village offices shall be nominated by nomination papers, and elected by nonpartisan primary where required, under the following rules and procedures in accordance with s. 8.05(4), Wis. Stats:

(1) Nomination of candidates for elective Village offices shall be accomplished by nomination papers and nonpartisan primary for all elections conducted after January 1, 1980.

(2) Nomination papers shall be signed by not less than 20 nor more than 100 electors of the Village. The papers shall be circulated no sooner than December 1 preceding the election and shall be filed with the Village Clerk no later than 5:00 p.m. the first Tuesday in January, or the next day if Tuesday is a holiday.

(3) Notice of election shall be given pursuant to the requirements of s. 10.01(2)(a) and s. 10.06(3)(a), Wis. Stats.

(4) When the number of candidates for an office does not exceed twice the number to be elected, their names shall appear on the official ballot for the regular election without a primary.

(5) When the number of candidates for an elective office exceeds twice the number to be elected to the office, the Village will hold a nonpartisan primary to determine which candidates shall appear on the official spring election ballot.

B. The annual election shall be held on the first Tuesday of April.

C. Special elections may be held when ordered by a majority of the Village Board. The Clerk shall publish the notices required under s. 10.06(3)(f), Wis. Stats., beginning 30 days prior to the date of the special election.

D. Within five days after the election the Village Clerk shall notify the person so elected thereof in writing, and within five days of such notice every person so elected shall take and file the official oath.

E. All election procedures shall comply with the applicable provisions of Wisconsin Statutes.

§ 5-3. Duties and salary.

A. The duties of the Village officers shall be as enumerated in ss. 61.24 through 61.32, Wis. Stats., except that no officers shall be required to file a bond unless specifically required to do so by s. 1.05(c)(12), Wis. Stats., of this code.

B. The Village President and each member of the Board of Trustees shall receive a salary as compensation for services rendered as such officers. Salaries shall be determined in

accordance with ss. 61.32 and 66.0505 Wis. Stats. Board members will also receive $30 for each special Board meeting attended. **[Amended 2-9-2012 by Ord. No. 2-2012]**

C. The Village President shall receive the sum of $200 per month and each member of the Board of Trustees shall receive $25 per month for expenses. Expenses are deemed taxable unless a receipt or written documentation is provided. Board members are responsible for all expense documentation. **[Amended 6-14-2001 by Ord. No. 2.01]**

§ 5-4. Appointed officials.

A. Enumerated. The following shall be the appointed officials of Holmen:

(1) Village Administrator.

(2) Village Clerk.

(3) Village Treasurer.

(4) Village Assessor.

(5) Deputy Village Clerk.

(6) Chief of Police.

(7) Members of boards and commissions.

(8) Weed Commissioner.

(9) Park Commissioner.

(10) Deputy Village Treasurer. **[Added 2-9-2012 by Ord. No. 2-2012]**

B. Manner of appointment. Unless otherwise provided, the enumerated officials shall be appointed by the Village President, subject to confirmation by the Village Board.

C. Term of office. Unless otherwise provided by statute or ordinance, appointed and employed officials shall serve indefinite terms, at the pleasure of Board, beginning upon Board confirmation.

§ 5-5. Village Administrator.

A. Creation and purpose. In order that various officers, officials, and employees and departments executing policy and administering the affairs of the Village of Holmen, Wisconsin, operate as efficiently as possible under a system of part-time President and part-time Trustees, and to better ensure competent, expeditious, efficient and harmonious administration and action in respect to any activity common to any one or more of the Village's officers, officials and departments, and in order that there may be a uniform administration of policy, there is hereby created the office of Village Administrator for the Village of Holmen, Wisconsin.

B. Office of Village Clerk and Village Administrator may be combined. The offices of Village Clerk and Village Administrator may be held by the same person. The Village Administrator shall be appointed and shall hold office for an indefinite term, subject to removal by the Village Board. **[Amended 2-9-2012 by Ord. No. 2-2012]**

C. The power and duties of Village Administrator shall be: **[Amended 2-9-2012 by Ord. No. 2-2012]**

(1) To attend all official meetings of the Board and its committees unless excused by the Board or the committee, and collaborate with the Board on important matters pertaining to Village administration, business and affairs; and to make recommendations from time to time for improving the quality and efficiency of the services performed by the Village.

(2) Unless otherwise prearranged or at the option of the Village President and Committee Chairman, prepare the agenda and order of business for all board and committee meetings. Nothing herein shall be so construed as to give the Village Administrator authority to limit or in any way prevent matters from being considered by the Board or its committees.

(3) To establish such methods of handling details of administration as will, in his opinion, best promote efficiency in municipal government.

(4) To administer the operation and maintenance of all Village-owned property, lands, buildings, improvements and equipment, and all public ways, ditches and drains and storm sewers.

(5) To administer the construction and maintenance of all public ways, public works, and improvements undertaken either directly or indirectly by the Village.

(6) To prepare annually and submit to the Board a financial budget of anticipated income and expenditures for the ensuing fiscal year, and supervise and control the expenditures of money and the administration of such budget as adopted.

(7) Act as purchasing agent directing the purchase of materials, supplies, equipment, and service of every kind and character for any and all departments and subdivisions of the Village.

(8) Act as personnel officer for the Village, recommend salary and wage scales and working conditions for those officers, officials, or employees not covered by collective bargaining agreements and maintain a current personnel file for all the departments.

(9) Inquire into and settle pursuant to existing Village policy or otherwise report to the Village Board any dispute concerning the activities of any department or office in connection with interdepartmental relations or with persons having business with the Village.

(10) Such other administrative duties and powers not inconsistent with ordinances may be prescribed by the Board from time to time.

(11) See that all Village ordinances are efficiently enforced.

(12) Serve as the Village Human Resource Director.

(13) Supervise all department heads, and indirectly supervise all other subordinate staff.

(14) Serve as the Village Planning, Community and Economic Development Director.

(15) Negotiate, review and oversee contracts on behalf of the Village.

(16) Serve as the primary Village agent responsible for intragovernmental and intergovernmental communication, promoting public relations, efficiencies and quality control.

§ 5-6. Composition of Village Board; quorum.

The Trustees and the President shall constitute a Board designated the Village Board of Holmen, hereinafter referred to as the "Board." Four Trustees shall constitute a quorum, but a lesser number may adjourn from time to time. The President shall preside at all meetings when present. In his absence the Board may select another Trustee to preside.

§ 5-7. Village Board meetings.

The regular meeting dates of the Board shall be the second Thursday of every month. The regular monthly meeting shall start at 7:00 p.m. Special meetings may be called by any two Trustees by filing a written request therefor with the Village Clerk, who shall notify the President and all Trustees of such special meeting and its purpose in writing. All meetings shall be open to the public. The Board shall keep a record of all its proceedings and publish the same in a newspaper published or having general circulation in the Village.

§ 5-8. Powers of Village Board.

A. Order. The Board Chair shall have the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance and shall be the judge of the election and qualification of its members.

B. Powers. The Board shall retain all the powers of the Village not specifically delegated to some other officer. Except as otherwise provided by law, the Board shall have the management and control of the Village property, finances, highways, streets, and the public service and shall have power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public. The Board may implement its powers by license, regulation, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby confirmed shall be in addition to all other grants and shall be limited only by express language.

C. Substitute officers. If any officer is absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge the officer's duties until the officer returns or until the disability is removed.

D. Open Meeting Law. The Chair of each committee, subcommittee, special committee, standing committee, commission or board shall have the primary responsibility for complying with ss. 19.81 through 19.98, Wis. Stats., known as the "Open Meeting Law." The Chair or his/her designee shall notify the Village Clerk as to how notices shall be conveyed to the news media. Those committees that desire notification to be made through the Village Clerk's office shall so designate in writing.

§ 5-9. Standing rules of Village Board.

The Board shall adhere to the following procedural rules and order of business, unless they shall be temporarily suspended by unanimous consent:

A. Order of business. The order of business at the regular meeting shall be generally as follows:

(1) Roll call.

(2) Approval of minutes of previous meeting(s).

(3) Confirmation of appointments when provided.

(4) Presentation from committees of resolutions, ordinances and petitions.

(5) Unfinished business.

(6) Other items to come before the Board.

(7) Adjournment.

B. At the appointed hour, the Clerk shall determine if a quorum is present. If a quorum is present, the President, or, in his absence, a Chairman chosen by the Board, shall call the Board to order and the Board shall proceed to business. If a quorum is not present, the Board shall adjourn.

C. All resolutions and amendments to any document shall be put in writing before being acted upon.

D. Before speaking, every member shall address the Chair, and, once recognized, shall not be interrupted except by a call to order.

E. When a member is called to order, he shall not proceed, except in explanation, without leave of the Board.

F. No member shall speak upon any question more than twice without permission of the Board.

G. The Board Chair shall call the yes and no for each vote.

H. Any member voting in the majority may move for a reconsideration at the same or next meeting, and if a majority are in favor, the issue shall be reconsidered.

I. The Village Administrator shall establish the order of the meeting agenda.

J. Parliamentary rules.

(1) Roberts' Rules of Order, current edition, shall prevail regarding the parliamentary procedure when not in conflict with any Wisconsin Statute or rule of the Board.

(2) Motion under consideration.

(a) When a motion is under consideration, no other motion shall be entertained except:

[1] To adjourn.

[2] To recess.

[3] To lay on the table.

[4] For previous question.

[5] To postpone to a day certain.

[6] To refer to committee.

[7] To amend or to substitute.

[8] To postpone indefinitely.

(b) These several motions shall take precedence in the order in which they stand in this rule. The motion to adjourn shall be in order if the member making it has the floor. This motion and the motion to lay on the table shall be decided without debate.

(3) Except as otherwise provided, meeting procedures outlined ss. 61.32, Wis. Stats., shall apply.

K. Addressing the Board. No one other than a Board member or a department head when requested by a Board member will be allowed to speak except by the permission of the Board. A majority vote shall be required. There shall be a five-minute limit on presentations unless the Board allows more.

L. Referral to committee.

(1) Any resolution, ordinance or motion, sponsored by an individual, not on the agenda or not previously reviewed or studied by an appropriate committee shall, without motion, be referred by the President to an appropriate committee unless this rule is waived by a 2/3 vote of the members present.

(2) All legislation referred to a committee shall be reported out to the full Board within 90 days of its referral.

M. Suspension of rules. Unless prohibited by Wisconsin Statutes, rules may be suspended at any meeting by a 2/3 vote of those present.

§ 5-10. Standing committees and special committees.

A. The Board shall conduct its business through the following standing committees, each of which shall consist of three Trustees appointed by the President and confirmed by the Board:

(1) Finance and Personnel.

(2) Public Works.

(3) Law Enforcement.

(4) Park, Recreation and Library.[1]

B. Special committees. Special committees may be created on motion or by resolution designating the number and object and shall be appointed by the President unless otherwise ordered.

§ 5-11. Planning Commission.

A. Appointment. The Village Planning Commission shall consist of seven members as follows: the President of the Board of Trustees, who shall be its presiding officer; two Trustees; and four citizens. Citizen members shall be persons of recognized experience and qualifications. The two Trustee members of the Commission shall be elected by a two-thirds-vote of the Board, upon creation of the Commission and each April thereafter. The four citizen members shall be appointed by the President upon creation of the Commission to hold office for a period of three years. All vacancies on the Village Planning Commission shall be filled for the unexpired term. No compensation shall be paid for service on the Planning Commission. Citizen members shall take the official oath which shall be filed with the Village Clerk. **[Amended 2-9-2012 by Ord. No. 2-2012]**

B. Organization. When all members of the first Planning Commission have been appointed, the Clerk shall give each member a written notice of the appointment, and thereon shall fix the time and place of the first meeting, which shall be not less than five nor more than 10 days thereafter. The Planning Commission shall then organize by electing a Vice Chairman, Secretary, and such other officers as they may deem necessary. The Commission shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the Village Clerk. Four members shall constitute a quorum.

C. Powers and duties.

(1) The Planning Commission shall make and adopt a Master Plan for the Village's physical development, shall consider and report to the Board on any plats of land within the Village's platting jurisdiction, shall have the powers and duties

1. **Editor's Note: Former Subsection A(5), which immediately followed this subsection and provided for an Economic Development Committee, was repealed 2-9-2012 by Ord. No. 2-2012.**

prescribed in s. 62.23, Wis. Stats., and such other powers and duties as the Board shall vest in it from time to time.

(2) The Planning Commission may obtain expert advice and employ such staff as may be necessary and proper within the limits of the budget established by the Board of Trustees or placed at its disposal through gift, and subject to any ordinance or

resolution enacted by the Board of Trustees. Whenever possible, the Commission shall utilize the services of existing Village officials and employees.

§ 5-12. Board of Zoning Appeals.

A. Membership. The Board of Zoning Appeals shall consist of five members appointed by the Village President subject to confirmation by the Village Board to serve three-year terms; except that of those first appointed, one shall serve for one year, two for two years, and two for three years. The members shall be removable by the Village President for cause upon written charge and a hearing.

B. Powers and duties: as granted under Chapter 195, Zoning, and s. 61.35 and s. 62.23(7)(e), Wis. Stats.

§ 5-13. Board of Review.

The Board of Review shall consist of the Village President, the Village Clerk and two Board members. The members of the Board shall receive just compensation, to be determined annually during budget preparation by the Board, for the days on which the Board of Review is in session.

§ 5-14. Special assessments payments.

A. Special assessment payments may be paid in cash until the due date of the billing therefor, or in annual installments if the assessment exceeds $400, the maximum terms of which, except as otherwise provided herein, shall be as follows:

(1) Assessments to one property owner of $400 or less shall be paid by December 31 of the year of project construction.

(2) Assessments to one property owner of $401 or more shall be paid over 10 years.

B. The unpaid balance of any special assessment levied hereunder shall bear interest from the original due date thereof at a rate which shall be determined by the Village Board prior to the publication of the notice required by s. 66.54(7)(e), Wis. Stats., relative to the payment of annual installments of special assessments and such rate shall be specified in said notice.

C. The special assessment interest rate is hereby established annually as determined by the Village Board. The rate shall apply until changed by resolution of this Board, with this Board to review such interest rate annually in December.

§ 5-15. Delinquent personal property tax.

Effective 1997, all delinquent personal property taxes shall bear interest at 1% per month until paid. Personal property taxes become delinquent on the first day of February for the prior year's tax.

§ 5-16. Duty of Weed Commissioner to enforce statute.

The Village Weed Commissioner shall enforce and administer the state's noxious weed statute, s. 66.96(4), Wis. Stats.

§ 5-17. Confidentiality of information provided to Assessor. [Added 5-12-2022 by Ord. No. 2-2022]

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

Chapter 10

AMUSEMENT DEVICES

§ 10-1. Juke boxes.

§ 10-2. Billiard and other tables.

§ 10-3. Pin ball machines, video arcades and other games or devices.

[HISTORY: Adopted by the Village Board of the Village of Holmen 6-9-1983; amended in its entirety 10-13-2005 by Ord. No. 6.05. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Minors — See Ch. 101.

§ 10-1. Juke boxes.

A. Juke box license. No device or instrument which reproduces music by mechanical means, which devices are commonly known as "juke boxes," shall be maintained or operated in any premises without having first obtained a license.

B. License fees. The license fee for the operation of each juke box in any premises shall be as set annually by the Village Board.

C. Application for license. Application for license for a juke box shall be made in writing to the Village Clerk and shall be accompanied by a receipt from the Village Treasurer showing the license fee has been paid and shall designate the premises on which the juke box is located and shall be for a period of one year, from July 1 to June 30 of the following year. Licenses shall be issued by the Village Clerk.

§ 10-2. Billiard and other tables.

A. License required for billiard and other tables. No person shall erect, place or keep, or permit to be erected, placed or kept, upon his, her or their premises any billiard table, pool table, or other table whereupon balls are played or any objects are rolled, or thrown, used or kept for hire and to be used for any compensation, or to be used with or without compensation in any nonresidential building without having first obtained a license. Every billiard or other table so kept or placed or permitted to be kept or placed upon any premises without a license shall constitute a separate offense under the provisions of this section.

B. License fee. Any person requiring such license shall pay to the Village Treasurer a sum as set annually by the Village Board for each such table to be kept by him from the date of such payment and expiring on the following June 30.

C. Issuing license. Upon presentation to the Village Clerk of an application and a receipt showing the payment of the fees required, the Village Clerk shall issue a license to the applicant, said license expiring June 30 of the following year.

D. Gambling prohibited. No person who has a license under this section shall permit any gambling for money or other valuable thing on any table or alley kept by him or shall allow or in any manner permit any minor to play any game thereon.

E. Closing hours. It shall be unlawful for any person having a license under the provisions of this section to permit whatsoever upon any bowling alley, nine- or ten-pin alley, billiard table, pool table or device mentioned in Subsection A of this section or admit any persons to the rooms wherein such tables, devices, or alleys are installed for the purpose of permitting or inviting play upon any of such tables or devices at any time between the hours of 1:00 a.m. and 6:00 a.m.

§ 10-3. Pin ball machines, video arcades and other games or devices.

A. License required. No person shall erect, place or keep, any pin ball machines, video arcades, or other games or devices for which the payment of money or other valuable thing is directly or indirectly required or permitted to be paid or given without first having been licensed as hereinafter provided.

B. Application and granting license. Application shall be made to the Village Clerk, who shall have the authority to grant such license, on forms furnished by the Clerk requiring such information as shall enable the Clerk to determine whether the granting of such license is in the public interest. If the Clerk determines that granting the license is not in the public interest, the Clerk may refuse to grant the same.

C. License fee and term. The license fee for the operation of each such machine shall be as set annually by the Village Board. License fees shall be paid for a period of one year, from July 1 to June 30 of the following year.

Chapter 14

ANIMALS

§ 14-1. Purpose.

§ 14-2. Statutory authority.

§ 14-3. Abrogation and greater restrictions.

§ 14-4. Interpretation.

§ 14-5. Applicability.

§ 14-6. Administration.

§ 14-7. Definitions.

§ 14-8. Rabies vaccination required for license.

§ 14-9. Issuance of dog and kennel licenses.

§ 14-10. Late fees.

§ 14-11. Rabies quarantine.

§ 14-12. Restrictions on keeping of dogs, cats, fowl and other animals.

§ 14-13. Impoundment of animals.

§ 14-14. Dogs and cats restricted in cemeteries.

§ 14-15. Duty of owner in case of dog or cat bite.

§ 14-16. Animal feces.

§ 14-17. Injury to property by animals.

§ 14-18. Barking dogs or crying cats.

§ 14-19. Prohibited and protected animals, fowl, reptiles and insects.

§ 14-20. Sale of rabbits, chicks or artificially colored animals.

§ 14-21. Providing proper food and drink to confined animals.

§ 14-22. Providing proper shelter.

§ 14-23. Neglected or abandoned animals.

§ 14-24. Cruelty to animals and birds prohibited.

§ 14-25. Trapping of animals.

§ 14-26. Dognapping and catnapping.

§ 14-27. Vehicle accidents.

§ 14-28. Keeping of bees.

§ 14-29. Limitation on number of dogs and cats.

§ 14-30. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 1-9-1997. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 112.

§ 14-1. Purpose.

The purpose of this chapter is to promote and protect the health, safety, convenience and general welfare of the people of the Village of Holmen.

§ 14-2. Statutory authority.

This chapter is adopted as authorized under Wisconsin State Statutes, Chapters 170, 172, 173, 174 and ss. 951.01 through 951.15, including any repeal or recreation of said chapter or sections.[1]

§ 14-3. Abrogation and greater restrictions.

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

§ 14-4. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be 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 chapter may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this chapter is required by Wisconsin Statutes and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

§ 14-5. Applicability.

The requirements of this chapter apply to all activities related to animal control within the Village of Holmen.

§ 14-6. Administration.

The provisions of this chapter shall be administrated by the Village of Holmen Board and its designated agents.

§ 14-7. Definitions.

In this chapter, unless the context or subject matter otherwise require, the following terms shall have the meanings indicated:

ANIMAL — Mammals, reptiles and birds.

AT LARGE — To be off the premises of the owner and not under the control of some person either by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

CAT — Any feline, regardless of age or sex.

CRUEL — Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

DOG — Any canine, regardless of age or sex.

FARM ANIMAL — Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

LAW ENFORCEMENT OFFICER — That meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 173.03, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats. [2]

NEUTERED — A dog or cat having nonfunctional reproductive organs.

OWNER — Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of 10 days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this section.

PET — An animal kept and treated as a pet.

RESIDENTIAL LOT — A parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot. [3]

§ 14-8. Rabies vaccination required for license.

A. Rabies vaccination. The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within 30 days after the dog or cat reaches five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the Village of Holmen after the dog or cat has reached five months of age, the owner shall have the dog or cat vaccinated against rabies within 30 days after the dog or cat is brought into the village unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21(2), Wis. Stats.[4]

B. Issuance of certificate of rabies vaccination. A veterinarian who vaccinates a dog or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

of the dog or cat, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the United States Department of Health and Human Services and the village.

C. Copies of certificate. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.

D. Rabies vaccination tag. After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

E. Tag to be attached. The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog or cat at all times, but this requirement does not apply to a dog or cat during competition. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog or cat which is not required to be vaccinated under Subsection A.

F. Duplicate tag. The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

G. Cost. The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

§ 14-9. Issuance of dog and kennel licenses.

A. Dog licenses.

(1) It shall be unlawful for any person in the Village of Holmen to own, harbor or keep any dog more than five months of age without complying with the provisions of Section 174.05 through Section 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

(2) The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay a license tax and obtain a license.

(3) The minimum license tax under this section shall be the license fee charged by La Crosse County plus a $1 village administrative fee for spayed female or neutered male dogs. The minimum fee for unspayed or unneutered dogs shall be the license fee charged by La Crosse County plus a $1 village administrative fee.

(4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by § 14-8 of this

chapter, the Village Clerk shall complete and issue to the owner a license for such dog containing all information required by state law. The Village Clerk shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.

(5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in § 14-8E.

(6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any village police or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

(7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from Village Clerk upon application therefor.

B. Kennel licenses.

(1) Any person who keeps or operates a kennel shall, instead of the license tax for each dog required by this chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of $30 for a kennel of 12 or fewer dogs and an additional $3 for each dog in excess of 12. Upon payment of the required kennel license tax and, if required by the village, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the Village Clerk shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in agricultural areas after a conditional use permit has been issued pursuant to Chapter 195, Zoning.

(2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a show dog during competition. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a show dog during competition. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is on a leash or is temporarily used for the purposes of hunting, breeding, trial, training or competition.

§ 14-10. Late fees.

The Village Clerk or County Clerk shall assess and collect a late fee as established by La Crosse County from every owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a

licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.[5]

§ 14-11. Rabies quarantine.

A. Dogs and cats confined. If a district is quarantined for rabies, all dogs and cats within the village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk shall promptly post in at least three public places in the village notices of quarantine.[6]

B. Exemption of vaccinated dog or cat from city quarantine. A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the village quarantine provisions of Subsection A if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

C. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.

(1) Quarantine or sacrifice of dog or cat. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal only as a last resort. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred.

D. Quarantine of dog or cat.

(1) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

(2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. In this paragraph,

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5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

"supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

(3) Risk to animal health.

(a) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

(b) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined, and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

E. Delivery of carcass; preparation; examination by laboratory of hygiene. An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the village, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

F. Cooperation of veterinarian. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the village, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

G. Responsibility for quarantine and laboratory expenses. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an

isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

§ 14-12. Restrictions on keeping of dogs, cats, fowl and other animals.

A. Restrictions. It shall be unlawful for any person within the Village of Holmen to own, harbor, or keep any dog or cat which:

(1) Habitually pursues any vehicle upon any public street, alley or highway in the village.

(2) Assaults or attacks any person as described in Subsection B or destroys property.

(3) Is at large within the limits of the village.

(4) Habitually barks or howls to the annoyance of any person or persons. (See § 14-18.)

(5) Kills, wounds or worries any domestic animal.

(6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(7) In the case of a dog, is unlicensed.

B. Vicious dogs and animals.

(1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purposes of enforcing this section, a dog shall be deemed as being of a vicious disposition if, within any twelve-month period, it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.

(2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

C. Animals running at large.

(1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the village. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or village

ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.

(2) A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

D. Cat control.

(1) It shall be unlawful for the owner or keeper of a cat to permit the same to run at large within the village. A cat is deemed to be at large when off the premises of its owner or keeper and not under his control by means of a leash, by being carried, or physically restrained. "Premises of the owner or keeper" is defined to be his dwelling house, garage and other buildings located on the land he has in his possession and the land itself. "Premises" also includes any motor vehicle normally driven by the owner or keeper wherever located.

(2) It shall be the duty of every police or animal control officer to seize and impound any stray cat or cat running at large. Said officer shall immediately ascertain, if possible, the identity of the owner or keeper of each cat so seized by diligent inquiry.

(3) If returned to the owner or keeper, said person shall pay to the village the veterinary fee, if any, and a forfeiture. Any cat not claimed within five days of posting of the above notice shall be destroyed.

E. Owner's liability for damage caused by dogs; penalties. The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

§ 14-13. Impoundment of animals.

A. Animal control agency.

(1) The Village of Holmen may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals, and for assisting in the administration of rabies vaccination programs.

(2) The Village of Holmen does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this section.

B. Impounding of animals. In addition to any penalty hereinafter provided for a violation of this chapter, any police or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this village, assaults or attacks any person, is at large within the village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this section or have in his possession a signed statement of a complaining witness made

under oath alleging the facts regarding the violation and containing an agreement to reimburse the village for any damages it sustains for improper or illegal seizure.

C. Claiming animal; disposal of unclaimed animals. After seizure of animals under this section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. mail, if such owner be known to the officer or can be ascertained with reasonable effort. If within seven days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for 10 days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Village Board. No animal shall be released from the pound without being properly licensed if so required by state law or village ordinance. In the alternative, a humane society or animal control agency serving the village may provide the required notices under this section.

D. Sale of impounded animals. If the owner doesn't reclaim the animal within seven days, the animal warden may sell the animal to any willing buyer.

E. Village not liable for impounding animals. The village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

§ 14-14. Dogs and cats restricted in cemeteries.

No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this section.

§ 14-15. Duty of owner in case of dog or cat bite.

A. General requirements. Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Police Department and shall keep such dog or cat quarantined for not less than 10 days or for such period of time as the Police Department shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

B. Specific responsibilities of a pet owner.

(1) After a pet has bitten someone, the person who owns the animal shall:

(a) Supply the Police Department with the full name and address of the person bitten.

(b) Give a description of the animal to the Police Department.

(c) Quarantine the animal and have it examined as follows:

[1] When a dog (vaccinated or unvaccinated) has bitten any person and caused an abrasion of the skin of such person, it shall be examined by a

licensed veterinarian within 24 hours and quarantined in an isolation facility for 10 days.

[2] If, upon examination by a veterinarian, the dog has no signs of rabies and has a valid rabies vaccination, an officer (defined as a peace officer, full-time health officer, humane officer or warden) may order the animal quarantined on the owner's premises.

[3] If the dog had no signs of rabies but does not have a valid rabies vaccination, it shall be confined for a minimum period of 10 days at an isolation facility, as defined in Section 95.21(1)(am), Wis. Stats. **[Amended 10-12-2000 by Ord. No. 1.00]**

(2) Quarantined animals must be examined by a doctor of veterinary medicine on the first and 10th day and one day in between (a total of three times). NOTE: If the animal is isolated on the owner's premises, the law requires that the veterinarian come to the owner's premises. The animal cannot be transported by the owner to the veterinarian.

(3) The veterinarian shall notify the Police Department in writing as to the results of his supervision of the isolated animal.

§ 14-16. Animal feces.

The owner, keeper, walker or person in charge of any dog, cat or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This section shall not apply to a person who is visually or physically handicapped.

§ 14-17. Injury to property by animals.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.

§ 14-18. Barking dogs or crying cats. [Amended 9-12-2013 by Ord. No. 6-2013]

It shall be unlawful for any person to keep or harbor any dog which habitually barks, howls, or yelps or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance, and any person harboring such animals shall be subject to § 14-30 (Violations and penalties) of this chapter, at the discretion of the Police Department or any Village authority enforcing this chapter.

§ 14-19. Prohibited and protected animals, fowl, reptiles and insects. [Amended 5-9-2024 by Ord. No. 4-2024]

A. Protected animals.

(1) Possession and sale of protected animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (thalarctos maritimus), red wolf (canis niger), vicuna (vicugna vicugna), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (canis lupus), sea otter (enhydra lutris), Pacific ridley turtle (lepidochelys olivacea), Atlantic green turtle (chelonia mydas), Mexican ridley turtle (lepidochelys kempi).

(2) Compliance with federal regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body of parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

(3) Regulating the importation of certain birds. No person, firm or corporation shall import or cause to be imported into this village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

B. Exceptions. The provisions of Subsection A above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a scientific collectors permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

C. Wild animals; prohibition on keeping. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the village any of the following animals, reptiles or insects:

(1) All poisonous animals and reptiles including rear-fang snakes.

(2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); ans siamangs (Symphalangus).

(3) Baboons (Papoi, Mandrillus).

(4) Bears (Ursidae).

(5) Bison (Bison).

(6) Cheetahs (Acinonyx jubatus).

(7) Crocodilians (Crocodilia), 30 inches in length or more.

(8) Constrictor snakes, six feet in length or more.

(9) Coyotes (Canis latrans).

(10) Deer (Cervidae); including all members of the deer family; for example, white-tailed deer, elk, antelope and moose.

(11) Elephants (Elephas and Loxodonta).

(12) Game cocks and other fighting birds.

(13) Hippopotami (Hippopotamidae).

(14) Hyena (Hyaenidae).

(15) Jaguars (Panthera onca).

(16) Leopards (Panthera pardus).

(17) Lions (Panthera leo).

(18) Lynxes (Lynx).

(19) Monkeys, old world (Cercopithecidae).

(20) Ostriches (Struthio).

(21) Puma (Felis concolor); also known as cougars, mountain lions and panthers.

(22) Rhinoceroses (Rhinocero tidae).

(23) Snow leopards (Panthera uncia).

(24) Tigers (Panthera tigris).

(25) Wolves (Canis lupus) and foxes.

(26) Poisonous insects.

(27) Prohibited in the Village of Holmen, unless located in an Agricultural Zoning District: horses, mules, ponies, donkeys, cows, pigs, goats, sheep, rabbits, chickens, pigeons or other similar poultry or fowl or any animal raised for slaughter or for fur-bearing purposes unless otherwise permitted elsewhere in this Code. If zoned agriculturally or if a nonconforming use permits the harboring of animals such as cattle, horses, swine, sheep, goats, poultry or rabbits, it is required that no enclosure be within 25 feet of any building used for residence purposes by anyone other than the home owner and be it further required that the enclosure not be within 25 feet of where food is prepared, kept or sold.

D. Exceptions. The prohibitions of Subsection C above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects on display for judging purposes; an itinerant or transient carnival,

circus or other show; dog or cat shows or trials; public or private educational institutions; zoological gardens; if:

(1) Their location conforms to the provisions of Chapter 195, Zoning, of the village.

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

(3) Animals are maintained in quarters so constructed as to prevent their escape.

§ 14-20. Sale of rabbits, chicks or artificially colored animals.

A. No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

B. No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.

C. No retailer, as defined in Sec. 100.30(2)(e), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two months of age, in any quantity less than six, unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.[7]

§ 14-21. Providing proper food and drink to confined animals.

A. No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this section.

B. The food shall be sufficient to maintain all animals in good health.

C. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

§ 14-22. Providing proper shelter.

A. Proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

B. Indoor standards. Minimum indoor standards of shelter shall include:

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

(2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

C. Outdoor standards. Minimum outdoor standards of shelter shall include:

(1) Shelter from sunlight. When sunlight is likely to cause exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

(2) Shelter from inclement weather.

(a) Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

(b) Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

D. Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

(1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

E. Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards. Any permitted enclosure shall be maintained in a clean condition free from odors or other offenses to adjoining property owners. The presence of any rats or rodents in the yard shall be prima facia evidence that such yard is maintained in violation of this chapter.

§ 14-23. Neglected or abandoned animals.

A. Neglected or abandoned animals.

(1) No person may abandon any animal.

(2) Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to

another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

(3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.

(4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

(5) Section 173.10, Investigation of Cruelty Complaints, and Section 173.24, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this chapter.[9]

B. Injured animal. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the village or any animal control agency with whom the village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

§ 14-24. Cruelty to animals and birds prohibited.

A. Acts of cruelty prohibited. No person except a police officer or health or humane officer in the pursuit of his duties shall, within the village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

B. Leading animal from motor vehicle. No person shall lead any animal upon a village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

C. Use of poisonous and controlled substances. No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.[10]

D. Use of certain devices prohibited. No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any

9. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

10. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.

E. Shooting at caged or staked animals. No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

§ 14-25. Trapping of animals.

A. All traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.

B. This section shall not apply to trapping within the confines of buildings or homes.

C. Nothing in this section shall prohibit or hinder the Village of Holmen or its employees or agents from performing their official duties.

§ 14-26. Dognapping and catnapping.

No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of the village or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted herein.

§ 14-27. Vehicle accidents.

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the Police Department or an animal control agency whose jurisdiction extends into the village.

§ 14-28. Keeping of bees.

A. It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the village unless the bees are kept in accordance with the following provisions:

(1) No hive, stand or box where bees are kept shall be located closer than 20 feet to any property boundary.

(2) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.

(3) Fresh, clean watering facilities for bees shall be provided on the said premises.

(4) The bees and equipment shall be kept in accordance with the provisions of the state statutes.

(5) Bee hives may only be located in a rear yard.

(6) Bees may only be kept after a conditional use permit is first issued pursuant to Chapter 195, Zoning.

B. Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.

§ 14-29. Limitation on number of dogs and cats.

A. Purpose. The keeping of a large number of dogs or cats within the Village for a considerable period of time detracts from, and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs or cats is, therefore, declared a public nuisance.[10]

B. Number limited. Under no circumstances shall any persons residing within any one residential unit or any one home located on any residentially zoned property or lot own, harbor, board, or keep in its possession more than three dogs nor more than three cats at any one time, and no more than a maximum of four animals of any species (dogs and cats) may be permitted on any residentially zoned property or lot at any one time, except that a litter of pups or kittens or a portion of a litter may be kept for not more than five months from birth. All dogs must be licensed at all times. At the discretion of any Village authority enforcing this chapter, any person determined to be in violation of this section shall be subject to § 14-30 (Violations and penalties) of this chapter, including the forcible removal of the animal. **[Amended 10-12-2000 by Ord. No. 1.00; 9-12-2013 by Ord. No. 6-2013]**

§ 14-30. Violations and penalties.

A. Any person violating §§ 14-21 through 14-29 shall be subject to a forfeiture of not less than $50 and not more than $200. This section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this chapter.

B. Anyone who violates §§ 14-8 through 14-11 of this chapter or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than $50 and not more than $500 for the first offense and not less than $100 and not more than $1,000 for any subsequent offenses. **[Amended 10-12-2000 by Ord. No. 1.00; 5-11-2006 by Ord. No. 5-06]**

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10. Editor's Note: Original Subsection (2), Definitions, which immediately followed this subsection, was repealed 10-12-2000 by Ord. No. 1.00.

C. An owner who refuses to comply with an order issued under § 14-11 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than $100 nor more than $1,000, and in default of payment of such forfeiture and cost shall be imprisoned not more than 60 days. **[Amended 10-12-2000 by Ord. No. 1.00]**

D. Any person who violates §§ 14-12 through 14-20 of this chapter shall be subject to a forfeiture of not less than $50 and not more than $500 for the first violation and not less than $100 and not more than $1,000 for subsequent violations. **[Amended 5-11-2006 by Ord. No. 5-06]**

Chapter 18

ASSESSMENTS

ARTICLE I
Special Assessments

§ 18-1. Authorization.

§ 18-2. Public work or improvement financed by special assessments.

§ 18-3. Applicability of statutes.

§ 18-4. Notice of hearing and final assessment.

§ 18-5. Special assessment to be a lien.

§ 18-6. Appeals.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Taxation — See Ch. 164.

ARTICLE I

Special Assessments
[Adopted 2-13-1997]

§ 18-1. Authorization.

In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this article.

§ 18-2. Public work or improvement financed by special assessments.

Whenever the governing body shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied under this article, it shall adopt a resolution specifying this intention and the time, either before or after completion of the work or improvement, when the amount of the assessment will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.

§ 18-3. Applicability of statutes.

The provisions of s. 66.60, Wis. Stats., shall apply to special assessments levied under this article except that, when the governing body determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by s. 66.60(3), Wis. Stats., shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

§ 18-4. Notice of hearing and final assessment.

Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given in the manner prescribed by s. 66.60(7) and (8)(d), Wis. Stats.

§ 18-5. Special assessment to be a lien.

Any special assessment levied under this article shall be a lien against the property assessed from the date of the final resolution of the governing body determining the amount of the levy.

§ 18-6. Appeals.[1]

Any person against whose property a special assessment is levied under this article may appeal therefrom in the manner prescribed by s. 66.60(12), Wis. Stats., within 90 days of the date of the final determination of the governing body.

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 25

BRUSH, GRASS AND WEEDS

§ 25-1. Purpose.

§ 25-2. Public nuisance declared.

§ 25-3. Nuisances prohibited; persons responsible for prevention; exemption.

§ 25-4. Inspection.

§ 25-5. Abatement of nuisance.

[HISTORY: Adopted by the Village Board of the Village of Holmen 1-8-1998. Amendments noted where applicable.]

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§ 25-1. Purpose.

This chapter is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow excessive length in the Village.

§ 25-2. Public nuisance declared.

The Village Board finds that lawns, grasses and noxious weeds, on lots or parcels of land, which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to admit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Village. For that reason any lawn, grass or weeds, on a lot or parcel of land, which exceed eight inches in length are hereby declared to be a public nuisance, except for property located in a designated floodplain and/or a designated wetland area or where, in the opinion of the Village, is an acceptable natural area.

§ 25-3. Nuisances prohibited; persons responsible for prevention; exemption. [Amended 1-14-2010 by Ord. No. 2.09]

A. No person, firm or corporation shall permit any public nuisance as defined in § 25-2 above to remain on any premises owned or controlled by him or her within the Village.

B. Any street, road or highway right-of-way fronting upon a parcel of land is considered for the purposes of this chapter to be controlled by the owner of such parcel of land, and the owner of such parcel of land is therefore responsible for cutting grasses and weeds within such right-of-way so as to prevent any public nuisance as defined in § 25-2 above from remaining.

C. Parcels zoned as A - Agricultural District are exempt from the requirements of this chapter.

§ 25-4. Inspection.

The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in § 25-2 above exists. If the Weed Commissioner is denied entry to the premises, he/she may seek an inspection warrant pursuant to Sec. 66.122, Wis. Statutes.

§ 25-5. Abatement of nuisance. [Amended 11-9-2000 by Ord. No. 2.00; 1-14-2010 by Ord. No. 2.09; 3-13-2020 by Ord. No. 2-2020]

A. If the Weed Commissioner or his/her designee shall determine with reasonable certainty that any public nuisance as defined in § 25-2 above exists, he/she shall immediately cause notice to be given to the owner of the parcel responsible for preventing any such nuisance from remaining that the owner has five days after the notice is given to have the grasses or weeds cut so as to conform with this chapter. The first time that a public nuisance is determined to exist on a parcel of land, notice to the owner of the parcel shall be in written or verbal form. Whenever a change of ownership of a parcel of land occurs, the first determination of the existence of a public nuisance to occur after the date the change in ownership occurs shall be considered the first determination for that parcel of land. Any subsequent notices are not required.

B. In any case where the owner of a property shall fail to cut any grasses or weeds that constitute a public nuisance on any property owned or controlled by him/her within the required five days as set forth above, the Village may elect to:

(1) Issue a citation of $250 for the first offense, $500 for the second offense and $750 for the third and subsequent offenses.

(2) Cut or cause to be cut all grass and weeds from the subject's property to the Village's satisfaction and shall charge the fee of $500 for lots less than one acre and $1,000 for lots of an acre or larger or actual cost, whichever is greater, to the property owner. If said statement is not paid in full within 30 days thereafter, the Village Clerk shall enter the charge in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under s. 66.60(16), Wis. Stats.

Chapter 29

BUILDING CONSTRUCTION

ARTICLE I
Adoption of Uniform Building Code

§ 29-1. State provisions adopted.

ARTICLE II
One- and Two-Family Dwellings

§ 29-2. Purpose.

§ 29-3. Wisconsin Uniform Dwelling Code adopted.

§ 29-4. Building Department.

§ 29-5. Building Inspector.

§ 29-6. Building permit required.

§ 29-7. Building permit fees.

§ 29-8. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations — See Ch. 58.
Land division — See Ch. 90.
Zoning — See Ch. 195.

ARTICLE I
Adoption of Uniform Building Code
[Adopted 3-13-1980]

§ 29-1. State provisions adopted.[1]

The Village of Holmen adopts the Wisconsin Uniform Building Code as amended.

ARTICLE II
One- and Two-Family Dwellings
[Adopted 5-24-1988]

§ 29-2. Purpose.

The purpose of this article is:

A. To exercise jurisdiction over the construction and inspection of new one- and two-family dwellings;

B. To provide plan review and on-site inspections performed by persons or agencies certified by the Department of Commerce;

C. To establish and collect fees to defray costs; and

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

D. To provide remedies and penalties for violations.

§ 29-3. Wisconsin Uniform Dwelling Code adopted.

Chapter COMM 22, Wisconsin Administrative Code, as adopted and effective December 1, 1978, and Chapters COMM 20, 21, 23, 24 and 25, as adopted and effective June 1, 1980, and all amendments thereto, are adopted and incorporated by reference.

§ 29-4. Building Department.

A. The Building Department of the village shall be created by the President. The administrative authority shall be a state certified building inspector so designated by the appointing authority subject to confirmation.[2]

B. The appointing authority shall be the President of the village subject to confirmation by the Board.

§ 29-5. Building Inspector.

There is hereby created the position of Village Building Inspector, who shall administer and enforce this article, and who shall be certified by the Department of Commerce as specified by Wisconsin Statutes Section 101.66(2). This appointment is subject to confirmation by the Board of Trustees.

§ 29-6. Building permit required.

No person shall build or cause to be built any one- or two-family dwelling without first obtaining a state uniform building permit for such dwelling. Such building permit shall be furnished by the village. A copy of such permit issued shall be filed with the Village Building Department.

§ 29-7. Building permit fees.[3]

Building permit fees are established from time to time by the Village Board.

§ 29-8. Violations and penalties.

Pursuant to Wisconsin Statutes Sections 101.66 and 101.77, whoever violates this code shall forfeit to the village not less than $25 nor more than $500 for each violation. Each day that the violation continues, after notice, shall constitute a separate offense.

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 33

BURNING, OPEN

§ 33-1. Burning trash in barrels.

§ 33-2. Other burning materials.

§ 33-3. Definitions.

§ 33-4. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 10-10-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste — See Ch. 155.

§ 33-1. Burning trash in barrels.

No person shall burn any trash in barrels within the Village limits of the Village of Holmen.

§ 33-2. Other burning materials. [Amended 7-13-2006 by Ord. No. 7.06]

No person shall burn along streets or burn brush, leaves, or other trash in their yards. Campfires are allowed as long as the fire is contained in a manufactured freestanding fire pit, ring or pit not to exceed three feet in diameter. Fire pits that are dug into the ground should be lined on the outside of the pit with gravel, brick, concrete or rock to prevent the spread of flames across the ground. All fire rings or pits should be placed at a safe distance from any structure or combustibles, such as houses, garages, sheds, wood piles and wooden fences. Only natural firewood cut in short lengths less than two feet may be burned.

§ 33-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BURNING — Setting to fire of materials in the yards or along streets within the boundaries of the Village of Holmen.

TRASH — Includes all materials such as paper, wood and refuse that are being discarded.

§ 33-4. Violations and penalties.

A. Any person violating any provision of this chapter shall upon conviction thereof forfeit not less than $50 nor more than $500 for the first offense and not less than $100 nor more than $1,000 for the second and subsequent offenses within a period of one year and in the event of default in such payment shall be imprisoned not more than two days for the first offense and not more than 10 days for the second and subsequent offenses within one year, such imprisonment to be in the La Crosse County Jail. **[Amended 10-12-2000 by Ord. No. 1.00; 5-11-2006 by Ord. No. 5.06]**

B. Each day of violation of this chapter shall be deemed a separate violation and shall be prosecuted as such.

C. Any person(s) violating any provision of this chapter shall also be responsible for the cost associated with fire suppression for prohibited burning as listed under Chapter 33 of the Code of the Village of Holmen. Cost shall be determined by the Holmen Area Fire Chief and approved by the Village Board. A statement will then be submitted for payment. If said statement is not paid in full within 30 days thereafter, the Village Clerk shall enter the charge in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. **[Added 1-10-2002 by Ord. No. 1.02]**

Chapter 38

CABLE TELEVISION

§ 38-1. Statement of purpose.
§ 38-2. Definitions.
§ 38-3. Grant of authority.
§ 38-4. Compliance with applicable laws and ordinances.
§ 38-5. Application for license.
§ 38-6. Approval by Village Board.
§ 38-7. Conditions and restrictions on operation.
§ 38-8. Licensee to promulgate rules.
§ 38-9. Area of service.
§ 38-10. Customer rates.
§ 38-11. Period of license.
§ 38-12. Abandonment of service.
§ 38-13. Service standards.
§ 38-14. Supervision and inspection.
§ 38-15. Signing of contract.
§ 38-16. Indemnification.
§ 38-17. Transfer of licenses.
§ 38-18. Severability.
§ 38-19. Fees.
§ 38-20. Subscriber rights.
§ 38-21. Rights of residents.
§ 38-22. General rights and remedies.

[HISTORY: Adopted by the Village Board of the Village of Holmen 7-14-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 159.

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§ 38-1. Statement of purpose.

The purpose of this chapter is to provide for the orderly installation and operation of a cable system, hereinafter referred to as "system."

§ 38-2. Definitions.

For the purpose of this chapter, the following terms, phrases and words shall have their meaning given herein:

BOARD — The Village Board of the Village of Holmen.

CABLE SYSTEM — An arrangement or combination of apparatus whereby video, audio, digital or other forms of electronic or electrical signals capable of being transmitted by co-axial cable or other suitable conductor to subscribing members of the public that may be received at one or more towers, antennas, or other devices. It shall also include transmission over such system of program materials originated by such system.

FRANCHISE — An authorization issued by the Village of Holmen to construct and operate a cable system.

GROSS REVENUE — All revenues actually received by the cable system, including revenues received from its affiliates or subsidiaries, from subscribers in connection with the operations of the cable system in the village, including: basic subscribers service fees, pay channel service fees, installation and reconnection fees, converter and remote control rentals, late fees, home shopping fees and other billable subscriber services except those excluded herein. The term does not include advertising revenues, leased channel fees, enhanced telecommunication services revenues, studio rentals, production equipment rentals or any taxes on services provided by a grantee and imposed directly upon any subscriber or used by the state, county or village or other governmental unit and collected by a cable system on behalf of said unit.

PERSON or APPLICANT — Any person, firm, partnership, association, company or organization of any kind.

SUBSCRIBERS — Any person receiving for any purpose the cable service, or such other service as may be licensed by the village.

VILLAGE — The Village of Holmen.

§ 38-3. Grant of authority.

A licensee shall have the right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and subsequent additions to the village. Poles, wires, cables, underground conduits, manholes and other television conductors and fixtures which are necessary for the maintenance and operation in the village of a cable system are also included. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive to the licensee during the term of the license.

§ 38-4. Compliance with applicable laws and ordinances.

All persons who are granted licenses hereunder shall at all times during the life of the license be subject to all lawful exercises of the police power of the village and to such reasonable regulations as the village by resolution or ordinance provides. The village reserves the right to amend or change any of the provisions of this chapter. In addition such persons shall be subject to all the laws of the state and federal government and all ordinances and resolutions of the village not in conflict herewith.

§ 38-5. Application for license.

Any person may install cables for the transmission of television signals and the operation of a cable system and operate such a system after having secured a license from the village, which license shall be applied for in the following manner:

A. All persons applying for licenses to operate a cable system shall make written application to the Village Clerk at least 30 days prior to the date in which such person desires to commence operations. If the applicant be an individual, he shall list his name, address, occupation, number of other community antenna systems owned or

operated by him and in which he has any interest, and shall include a detailed explanation of the nature, extent and scope of operation of the system in which said applicant proposes to operate and shall further include a complete financial statement of the applicant, and description of the technical characteristics, channel capacity, initial channel carriage and location of distribution plant.

B. If the applicant be a partnership or any unincorporated association, the applicant shall state the names of the partners or members. All general and limited partners shall be so set forth. In addition, the application shall contain all the information required by Subsection A above.

C. If the applicant be a corporation, the applicant shall list the names and degree of financial interest of each stockholder in said corporation and in addition shall contain all the information required by Subsection A above.

D. The application shall be accompanied by cash or a certified check up to the amount of $100 which sum shall be the fee required by any license granted under this section. The application fee shall be returned to the applicant if his application be not granted.

§ 38-6. Approval by Village Board.

Upon the filing of an application in proper form with the Village Clerk and upon receipt of the application fee, the Clerk shall refer the applications to the Village Board for issuance or denial. At the Board meeting to which the applicant is first presented, the Board shall cause a Class II notice to be published, setting forth the date of the hearing, the name of the applicant, and a general statement of the purpose of the hearing. All interested persons or their attorney or any citizens of the Village of Holmen may appear in favor of or against said application and be heard at the hearing. The hearing may be adjourned from time to time but the matter must be reported out by the Board within 60 days within the referral of the matter to it. At the next succeeding Board meeting, after the matter has been heard publicly, the Board shall reject or grant the petition and if the petition be granted direct, the Village Clerk shall issue an license to the applicant.

§ 38-7. Conditions and restrictions on operation.

Any person granted permission to install cables and equipment for the transmission of television signals in the operation of a cable system within the village shall be subject to the following restrictions and conditions:

A. Use of streets. All transmission and distribution structures, lines, and equipment erected by the licensee within the village shall be located on, or in, present distributions systems of the Century Telephone Corporation, the Northern States Power Company, GTE or the Trempealeau Electric Co-op. If it becomes necessary in the operation of the cable system to construct or erect poles or underground installations over and above those owned by the aforementioned public utilities, such poles or underground installations shall be located as to cause minimum interference with the proper use of the streets, alley and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of the property owners who adjoin any of the said streets, alleys or public ways and places, and may only be erected or constructed

upon written application to the Village Board, whose decision as to whether or not permission shall be granted and the location of poles shall be final.

B. Restoration of streets. In case of any disturbance of pavement, sidewalks, driveways, boulevards, or any other public ground, the licensee shall, at its own cost and expense, and in a manner approved by the Board, replace and restore all paving, sidewalks, driveway or surface of any street or alley disturbed or any boulevard in as good condition as before said work was commenced, and shall maintain the restoration in an approved condition for a period of one year.

C. Alteration of streets. In the event at any time during the period the cable system or any other system is licensed under the provisions of this chapter, the village shall elect to alter, or change the grade of any street, alley, or other public way, the licensee, upon reasonable notice by the village, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and any other fixtures at its own expense.

D. Interference with utilities. Under no circumstances shall the licensee be permitted to place poles or other fixtures where the same will interfere with any gas, electric, or telephone fixtures, water hydrant or main, and all poles or other fixtures permitted to be placed in any street, alley or rights-of-way shall be as prescribed and directed by the Village Board.

E. Moving of buildings. The licensee shall, upon the request of any person holding a building-moving permit issued by the village, temporarily raise or lower its lines or disconnect or take down to permit the moving of buildings. The expense of such removal, raising or lowering of wires shall be paid by the person requesting same, and the licensee shall be given not less than 72 hours' advance notice to arrange for such temporary wire changes.

F. Installation of cables. Cables shall be installed only on such street or roads and on such poles at such height and such location, in such manner as shall be approved by the Village Board.

G. Village's right to use licensee's poles. The Fire Department or any other department of the village shall have the specific right to use any pole placed by any licensee under the terms and conditions of this chapter for the installation of fire alarm cables, wires, or equipment without any charge to the village.

H. Forfeiture of franchise. In addition to all other rights and powers pertaining to the village by virtue of this franchise or otherwise, the village reserves the right to terminate and cancel this franchise and all rights and privileges of the licensee hereunder in the event that the licensee:

(1) Violates any provision of this franchise or any rule, order or determination of the village made pursuant to this franchise, except where such violation, other than of Subsection H(2) below is without fault or through excusable neglect.

(2) Becomes insolvent, unable or unwilling to pay his debt and taxes or is adjudged a bankrupt.

(3) Attempts to evade any of the provisions of this franchise or practices any fraud or deceit upon the village or any citizen of the village.

I. Service to commerce. As a condition to applicants' retaining any license granted hereunder, applicants shall, within a period of 60 days from date of issuance of any license, initiate best procedures to determine what television signal service will be available and shall inform the Village Clerk at the completion of such tests what signals appear to be reasonably available to residents of the village.

§ 38-8. Licensee to promulgate rules.

The licensee shall have the authority to promulgate such rules, regulations, terms, and conditions governing the conduct of its rights and to perform its obligations under this chapter, and to assure uninterrupted service to each and all of its customers. Such rules shall not be in conflict with this or any other ordinance or resolutions of the village or in conflict with any federal or state laws or regulations. Such company rules shall be filed with the Village Clerk and such rules shall be open to public inspection.

§ 38-9. Area of service.

The licensee shall provide service within the corporate limits of the village now existing or existing in the future during the term of the license.

§ 38-10. Customer rates.

Rates charged by the licensee for service hereunder shall be premised on efficient and economical management, and shall be fair, just and reasonable and designed to defray operating expenses and to provide a fair and reasonable return on investment as measured by other service businesses incurring similar risks and taking into consideration any losses or lack of reasonable return sustained in the preceding operation of the company. All licensees specifically agree that they shall be subject to all authority now or hereafter possessed by the village or any other regulatory body having jurisdiction to fix just, reasonable and compensatory television signal distribution rates. Before any television signal is sold or transmitted to any customer of any licensee, the licensee's schedule of rates shall be filed with the Village Clerk. Subsequent additions or amendments to rates and service charges shall likewise be filed with the Village Clerk at least 30 days before implementation.

§ 38-11. Period of license.

A license shall be issued for a maximum term of 10 years and is renewable pursuant to federal law.

§ 38-12. Abandonment of service.

The licensee may not abandon his operations and license either formally or informally unless this is done with permission of the Village Board. If the licensee desires to abandon his license and discontinue operations, he must notify the Village Board in writing of his intentions to do so. Upon receipt of notification, the Village Board shall, either at a regular or special meeting after a Class II notice is published, hold a public hearing on said abandonment. The Village Board shall not unreasonably refuse to allow the licensee to

abandon his license, and if abandonment is approved, the Board may prescribe reasonable rules for phasing out of operations.

§ 38-13. Service standards.

A. The licensee shall maintain its service with reasonable standards regarding uniformity of transmission, noise levels, and channel signals voltages. For the purpose of implementing the terms of this section, the licensee shall make available, without charge, test equipment so that the village might perform periodic tests to determine whether such standards are being complied with and shall cooperate with the village, or its official representatives, in conducting such tests. The licensee further agrees to pay such reasonable fees for such tests and for installation inspections as the Village Board may establish. The licensee's distribution systems shall conform to the requirements of the FCC, particularly with respect to freedom from spurious radiation. The antenna and receiving equipment shall be installed and maintained so as to give a reasonable noise-free picture on each channel. The installation and maintenance of equipment shall also be such that no unreasonable intermodulation distortion will occur. The licensee cannot deny access to cable services because of income of the residents of Holmen. The licensee will offer a device to block out unwanted channels to all subscribers.

B. The licensee shall, as reasonably as possible, considering the current state of technology, provide clear and uninterrupted service. The licensee shall maintain a La Crosse County business office where the licensee shall provide for a reasonable method of processing and resolving complaints of subscribers and shall keep a record of each subscriber complaint lodged and the resolution, if any, of the problem. This record shall be open to inspection by the Village Board or the Village Clerk at reasonable times during business hours. Complaints shall be handled by the licensee in a courteous and efficient manner at all times. Customers and potential customers shall be able to communicate with the cable system without incurring any long distance toll charges.

§ 38-14. Supervision and inspection.

The village and its designee shall have the right to supervise all construction or installation work performed, subject to the provisions of this chapter, and to make such inspections as it shall find necessary to ensure compliance with the ordinances of the village, applicable state laws, the National Electrical Code and regulations of the Federal Communications Commission.

§ 38-15. Signing of contract.

Upon the granting of a license, the licensee shall enter into a written agreement incorporating by reference the terms of this chapter.

§ 38-16. Indemnification.

The licensee shall indemnify, protect and save harmless the village from and against losses and claims as a result of physical damages to property, and bodily injury or death to persons,

including payments made under any workman's compensation law which may arise out of or be caused by the erection, maintenance, presence, use or removal of said attachments on poles within the village, or by any act of the licensee, his agents, or employees. The licensee shall carry insurance to protect the parties hereto from and against all claims, demands, actions, judgments, costs expenses, and liabilities which may arise or result directly or indirectly from or by reason of such loss, injury or damage. The amounts of such insurance against liability due to physical damage to property shall not be less than $1,000,000 as to any one accident and not less than $10,000,000 aggregate in any single policy year; and against liability due to bodily injury or to death of persons not less than $1,000,000 as to any one person and not less than $10,000,000 as to any one accident. The company shall also carry such insurance as it deems necessary to protect it from all claims under any workmen's compensation laws in effect that may be applicable to the company. All insurance required by this agreement shall be and remain in full force and effect for the entire life of the license. Said policy or policies of insurance or a certified copy or copies thereof shall be approved by the Village Attorney and then deposited with and kept on file by the Village Clerk.

§ 38-17. Transfer of licenses.

No licensee shall sell, transfer or assign its plant, system, or equipment to another, nor transfer any rights granted under this chapter to another without approval of the Village Board. Any proposed transferee, licensee or assignee must make application for a license as provided for above. The village shall be notified of any change of corporate ownership unless the stock is publicly held.

§ 38-18. Severability.

If any change in state or federal law renders any part of this chapter invalid or if any court renders a portion of this chapter invalid, those portions not directly affected by such amendment or decision shall remain in full force and effect, binding upon the village and licensee. If the state or federal governments, by legislation, preempt the field of regulation of cable systems, this chapter shall automatically be repealed and any agreements entered into pursuant to this chapter shall likewise be automatically replaced and rendered null and void. In case of such preemption, the village shall not be responsible for any pecuniary harm caused by such preemption.

§ 38-19. Fees.

A. In further consideration of the granting of a license under this chapter, the licensee shall pay the following sum to the Village of Holmen: 1.5% of gross revenues per year. Payment shall be made by the licensee on the 15th day of each month after the issuance of the license. No later than May 1 of each year, the cable system shall provide to the village a report of the previous calendar year's gross revenue. Any discrepancy between the previous year's franchise fee paid and the amount verified in the annual report shall be reflected in the June payment. The acceptance of any monthly payment by the cable system to the village shall not be construed as a release or as an accord and satisfaction of any claim the village may have for further or additional sums payable as a franchise

fee. The cable system shall pay the village 1 1/2% interest per month on all due but unpaid franchise fees.

B. The village shall have the right to inspect the licensee's records showing the average number of active subscribers the first of each month and the gross subscriber revenues from service in the area governed by the village based upon which its license payments are computed and shall have the right to audit and recomputation of any and all amounts paid under the license.

§ 38-20. Subscriber rights.

A. No monitoring of any terminal connected to the system shall take place without, on each occasion, except sweeps for the purpose of system integrity, specific written authorization by the user at the terminal in question. A cable system shall not, except as required by governmental action, provide any data concerning specific subscribers or users or their use of subscriber service except in compliance with the Cable Act, provided, however, that it may provide such information to its parent, affiliates, or subsidiaries.

B. Subscribers and users shall retain the right to deactivate their terminals, but shall continue to be responsible for charges until the licensee is notified to terminate service. During normal business working hours, the licensee's office must be open and able to accept payments, exchange, or accept return of converters, schedule and conduct service or technician calls, and answer subscriber inquiries. The licensee shall provide subscribers with a local or toll-free line, either staffed or with answering capabilities, which shall be available to subscribers 24 hours a day.

C. The licensee shall answer service requests within 24 hours, excluding weekends and holidays. Problems should be rectified within 48 hours or, in case of a dispute, in fewer than 30 days. Upon interruption of a subscriber's cable service for periods in excess of 48 hours, except for acts of God or with express prior permission of the village, the licensee shall rebate to the subscriber that portion of the monthly service charge equal to that portion of the month for which service is interrupted.

§ 38-21. Rights of residents.

A. An owner or operator of an apartment building, condominium, nursing home, mobile home park, or any other rental facility may not interfere with or charge a fee for the installation of cable system facilities for the use of a lessee of said property or premises, except that such owner or operator may require:

(1) Installation to conform to reasonable conditions necessary to protect the safety, appearance, and functioning of the premises.

(2) The licensee, occupant, or tenant to pay for the installation, operation, or removal of such facilities.

(3) The licensee, occupant, or tenant to agree to indemnify the owner or operator for any damages caused by the installation, operation, or removal of such facilities.

B. It shall be unlawful for the licensee to reimburse or offer to reimburse any person, or for any person to demand or receive reimbursement from the licensee, for the placement upon the premises of such person's premises to the distribution lines of the grantee to provide cable service to said premises. A landlord may not discriminate in the amount of rent charged to tenants or occupants who receive cable service and those who do not.

§ 38-22. General rights and remedies.

A. All rights and remedies given to the village under this chapter, a franchise, and a franchise agreement shall be in addition to and cumulative with each other and with any and all other rights and remedies, existing or implied, now or hereafter available to the village, at law or in equity, and such rights and remedies shall not be exclusive, but each and every right and remedy specifically provided or otherwise existing or given may be exercised from time to time and as often and in such order as may be deemed expedient by the village in its sole judgment and discretion, and the exercise of one or more rights or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy nor shall any such delay or omission be construed to be a waiver of or acquiescence to any default. The exercise of any such right or remedy by the village shall not release the licensee from its obligations or any liability under this chapter, a franchise, or a franchise agreement.

B. A licensee is not responsible for failure to provide service when that failure is caused by acts of God, strikes, governmental or military action, or other conditions beyond its control including the lack of material or parts.

C. The licensee will comply with all requirements of the 1984 and 1992 Cable Acts.

Chapter 42

CITATIONS

§ 42-1. Authorization for use of citation.

§ 42-2. Officials authorized to issue citation.

§ 42-3. Form of citation.

§ 42-4. Schedule of cash deposits.

§ 42-5. Receipt of cash deposits.

§ 42-6. Procedure.

§ 42-7. Nonexclusivity.

[HISTORY: Adopted by the Village Board of the Village of Holmen at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

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§ 42-1. Authorization for use of citation.

The Village of Holmen hereby elects to use the citation method of enforcement of ordinances. All village officers and other village personnel charged with responsibility of enforcing the provisions of this Code are hereby authorized, pursuant to W.S.A. s. 66.119(1)(a), to issue citations for violations of this Code, including ordinances for which a statutory counterpart exists.

§ 42-2. Officials authorized to issue citation.

Citations authorized in § 42-1 above may be issued by law enforcement officers of the village and by the following designated village officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this section may delegate the authority to other village employees within the designated official's department with the approval of the Village Board:

A. Building Inspector.

B. Fire Inspector.

C. Heating, Ventilating and Air Conditioning Inspector.

D. Electrical Inspector.

E. Plumbing Inspector.

F. Weed Commissioner.

§ 42-3. Form of citation.

The form of the citation to be issued by village police officers or other designated village officials is incorporated herein by reference and shall provide for the following information:

A. The name, address, date of birth and physical description of the alleged violator.

B. The factual allegations describing the alleged violation.

C. The date and place of the offense.

D. The section of the ordinance violated.

E. A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.

F. The time at which the alleged violator may appear in court.

G. A statement which in essence informs the alleged violator:

(1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.

(2) That if the alleged violator makes such a deposit, he need not appear in court unless subsequently summoned.

(3) That if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by W.S.A. s. 165.87 and court costs as imposed by W.S.A. s. 800.10, not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

(4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by W.S.A. s. 165.87.

H. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under Subsection G and shall send the signed statement with the cash deposit.

I. Such other information as may be deemed necessary.

§ 42-4. Schedule of cash deposits.

The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by W.S.A. s. 165.87 and court costs as imposed by W.S.A. s. 800.10. The Chief of Police shall be provided a copy of all bond schedules and amendments thereto.

§ 42-5. Receipt of cash deposits.

Deposits shall be made in cash, money order, personal checks or certified check to the Clerk of the Municipal Court or Village Clerk. Receipts shall be given for all deposits received.

§ 42-6. Procedure.

W.S.A. s. 66.119(3), relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

§ 42-7. Nonexclusivity.

A. Adoption of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.

B. The issuance of a citation hereunder shall not preclude the village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Chapter 45

CLEAN INDOOR AIR, LITTERING AND TOBACCO PRODUCTS

§ 45-1. Provisions of state law adopted by reference.

§ 45-2. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 6-10-1993. Amendments noted where applicable.]

§ 45-1. Provisions of state law adopted by reference. [Amended 10-12-2000 by Ord. No. 1.00]

There are hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecutions of such offenses under this chapter shall be as provided by Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in § 45-2 of this chapter:

101.123	Clean Indoor Air
287.81	Littering
938.983	Purchase or Possession of Tobacco Products Prohibited

§ 45-2. Violations and penalties. [Amended 5-11-2006 by Ord. No. 5.06]

Any person violating any provision of this chapter, including those provisions of Wisconsin Statutes or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than $50 nor more than $500 for the first offense and not less than $100 nor more than $1,000 for a subsequent offense.

Chapter 47

COMPREHENSIVE PLAN

§ 47-1. Statutory authority.

§ 47-2. Procedures for preparation of plan.

§ 47-3. Resolution recommending adoption of plan.

§ 47-4. Public hearing.

§ 47-5. Adoption of plan.

§ 47-6. When effective.

[HISTORY: Adopted by the Village Board of the Village of Holmen 11-23-2004 by Ord. No. 4.04. Amendments noted where applicable.]

GENERAL REFERENCES

Land division — See Ch. 90. **Zoning — See Ch. 195.**

§ 47-1. Statutory authority.

Pursuant to § 62.23(2) and (3) for cities, villages, and towns exercising village powers § 60.22(3) of the Wisconsin Statutes, the Village of Holmen is authorized to prepare and adopt a comprehensive plan as defined in §§ 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

§ 47-2. Procedures for preparation of plan.

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

§ 47-3. Resolution recommending adoption of plan.

The Planning Commission of the Village of Holmen, by a unanimous vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Village Board the adoption of the document entitled "Village of Holmen Comprehensive Plan" containing all of the elements specified in § 66.1001(2) of the Wisconsin Statutes.

§ 47-4. Public hearing.

The Village has held at least one public hearing on this chapter, in compliance with the requirements of § 66.1001(4)(d) of the Wisconsin Statutes.

§ 47-5. Adoption of plan.

The Village Board of the Village of Holmen, Wisconsin, does, by enactment of this chapter, formally adopt the document entitled "Village of Holmen Comprehensive Plan" pursuant to § 66.1001(4)(c) of the Wisconsin Statutes.

§ 47-6. When effective.

This chapter shall take effect upon passage by a majority vote of the members of the Village Board as required by law.

Chapter 54

ELECTIONS

ARTICLE I
Voter Registration

§ 54-1. Registration required.

§ 54-2. Process and procedures.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government — See Ch. 5.

ARTICLE I
Voter Registration
[Adopted 5-14-1998]

§ 54-1. Registration required.

Pursuant to the authority of Sections 6.26 through 6.56, Wisconsin Statutes, every voter is required to register for all elections, effective January 1, 1999.

§ 54-2. Process and procedures.

The process and procedures of registration and voting shall be controlled and shall be carried out pursuant to Sections 6.26 through 6.56, Wisconsin Statutes, and said statutes are incorporated herein by reference, as if set forth in full.

Chapter 56

EROSION CONTROL AND STORMWATER MANAGEMENT

§ 56-1. Statutory authority.

§ 56-2. Definitions.

§ 56-3. Legislative findings.

§ 56-4. Purpose and intent.

§ 56-5. Applicability of requirement for erosion control permits.

§ 56-6. Applicability of requirement for stormwater control permits.

§ 56-7. Exemptions and clarifications.

§ 56-8. Preliminary review letter.

§ 56-9. Erosion and stormwater control permits and administration.

§ 56-10. Erosion control plan requirements.

§ 56-11. Stormwater management plan requirements.

§ 56-12. Off-site stormwater management.

§ 56-13. Technical standards and specifications.

§ 56-14. Appeals and variances.

§ 56-15. Permit fees.

[HISTORY: Adopted by the Village Board of the Village of Holmen 11-9-2006 by Ord. No. 10.06; amended in its entirety 6-13-2024 by Ord. No. 5-2024. Subsequent amendments noted where applicable.]

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§ 56-1. Statutory authority.

This chapter is adopted by the Village of Holmen under the authority of the Wisconsin Statutes.

§ 56-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

AFFECTED — A regulated activity that has significantly:

A. Caused negative impacts on water quality or the use or maintenance of one's property or business; or

B. Endangered one's health, safety, or general welfare.

AGRICULTURAL — Related to or used for the production of food and fiber, including, but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry production and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out such activities.

BEST MANAGEMENT PRACTICE — A practice, technique or measure that is an effective, practical means of preventing or reducing soil erosion or water pollution, or both, from runoff, both during and after land development activities. These can include structural, vegetative or operational practices.

COLD WATER COMMUNITY — Surface waters capable of supporting a community of cold water fish and other aquatic life, or serving as a spawning area for cold water fish species [NR 102.04(3)(a), Wisconsin Administrative Code].

CONSTRUCTION SITE EROSION CONTROL — Preventing or reducing soil erosion and sedimentation from land-disturbing activity.

EROSION (SOIL EROSION) — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXCAVATION — Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

EXISTING DEVELOPMENT — Buildings and other structures and impervious area existing prior to chapter adoption.

FILL — Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

FINANCIAL SECURITY INSTRUMENT — A security bond, performance bond, maintenance bond, irrevocable letter of credit or similar guarantees submitted to the Village to assure that requirements of the chapter are carried out in compliance with the stormwater management plan.

GULLY EROSION — A severe loss of soil caused by or resulting in concentrated flow of sufficient velocity to create a defined flow channel.

HEAVILY DISTURBED SITE — A site where an area of land is subjected to significant compaction due to the removal of vegetative cover or earthmoving activities, including filling.

HYDRAULIC SOIL GROUP (HSG) — The meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

IMPERVIOUS SURFACE — Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this chapter, all road, driveway or parking surfaces including gravel surfaces shall be considered impervious, unless specifically designed to encourage infiltration and approved by the local approval authority.

INFILTRATION — The process by which rainfall or runoff seeps into the soil.

LAND-DISTURBING ACTIVITIES — Any land alterations or disturbances that may result in soil erosion, sedimentation or change in runoff, including, but not limited to, removal of ground cover, grading, excavating and filling of land.

LIGHTLY DISTURBED SITE — A site where an area of land is subjected to minor compaction due to the limited removal of vegetative cover or earthmoving activities.

LOCAL APPROVAL AUTHORITY — The Village Board or its designee.

LOCAL LAND DIVISION ORDINANCE — Any county, city, village or town ordinance adopted under Chapter 236, Wisconsin Statutes, to regulate the division of land.

NEW DEVELOPMENT — Any of the following activities:

A. Structural development, including construction of a new building or other structures.

B. Expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure.

C. Land-disturbing activities.

D. Creation or expansion of impervious surface.

NONEROSIVE VELOCITY — A rate of flow of stormwater runoff, usually measured in feet per second, that does not erode soils. Nonerosive velocities vary for individual sites, taking into account topography, soil type and runoff rates.

PEAK FLOW — The maximum rate of flow of water at a given point in a channel, watercourse or conduit resulting from the predetermined storm or flood.

PERVIOUS SURFACE — Any land cover that permits rain or melting snow to soak into the ground.

PLAN — An erosion control plan required by § 56-5 or a stormwater management plan required by § 56-6.

PLAN REVIEW AGENCY — The Department of Public Works or its designee.

PLAT REVIEW OFFICER — The Zoning Administrator.

POSTDEVELOPMENT — The extent and distribution of land cover types anticipated to occur under conditions of full development of the submitted plan. This term is used to match pre- and post-development stormwater peak flows as required by the chapter.

PREDEVELOPMENT — The extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land-disturbing activity are in "good" condition as described in the Natural Resources Conservation Service Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as "TR-55"). This term is used to match pre- and post-development stormwater peak flows as required by the chapter. In a situation where cumulative impervious surface created after the adoption of this chapter exceeds the threshold of 20,000 square feet, the predevelopment conditions shall be those prior to any land disturbance.

REDEVELOPMENT — Any construction, alteration or improvement exceeding 4,000 square feet of land disturbance performed on sites where the entire existing site is predominantly development to commercial, industrial, institutional or multifamily residential uses.

RUNOFF CURVE NUMBER (RCN) — The meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.

SEDIMENT — Solid earth material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

SEDIMENTATION — The deposition of eroded soils at a site different from the one where the erosion occurred.

SHEET AND RILL EROSION — A loss of soil caused by sheet flow or shallow concentrated flow, and characterized by an absence of channeling, or a relatively uniform concentrated flow, and characterized by an absence of channeling, or a relatively uniform loss across the exposed upper layer of the soil or shallow irregular scouring of the soil surface.

SITE — The bounded area described in an erosion control plan or stormwater management plan.

SLOPE — The net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous surface incline or decline over the area disturbed.

SOIL LOSS RATE — The rate, usually measured in tons per acre per year, at which soil is transported beyond the perimeter of a given control site and which occurs as a result of sheet and rill erosion. This term does not apply to soil movement resulting from concentrated flow such as gully or bank erosion.

STORM EVENTS — The precipitation amounts that occur over a 24-hour period that have a specified recurrence interval for La Crosse County, Wisconsin. For example, one-, two-, 10-, and 100-year storm events means the precipitation amounts that occur over a 24-hour period that have a recurrence interval of one, two, 10 and 100 years, respectively.

STORMWATER — The flow of water which results from, and which occurs during and immediately following a rainfall, snow or ice melt event.

STORMWATER MANAGEMENT — Any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff quantity and quality after land development activities.

STORMWATER RUNOFF — The waters derived from rains falling or snow melt or ice melt occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

STREET RECONSTRUCTION — Removal and replacement of the road subgrade, where existing stormwater conveyance systems are modified.

STRUCTURE — Any human-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed.

UNNECESSARY HARDSHIP — Circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with regulations unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

§ 56-3. Legislative findings.

A. The Village Board of the Village of Holmen finds that construction site erosion and uncontrolled stormwater runoff from land-disturbing and land development activities

have significant adverse impacts upon regional water resources and the health, safety, property and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically soil erosion and stormwater runoff can:

(1) Carry sediment, nutrients, pathogens, organic matter, heavy metals, toxins and other pollutants to regional lakes, streams and wetlands.

(2) Diminish the capacity of water resources to support recreational and water supply uses and a natural diversity of plant and animal life.

(3) Clog existing drainage systems, increasing maintenance problems and costs.

(4) Cause bank and channel erosion.

(5) Increase downstream flooding.

(6) Reduce groundwater recharge, which may diminish stream base flows and lower water levels in regional lakes, ponds and wetlands.

(7) Contaminate drinking water supplies.

(8) Increase risk of property damage and personal injury.

(9) Cause damage to agricultural fields and crops.

B. The Village Board of the Village of Holmen also finds that effective sediment and stormwater management depends on proper planning, design and timely installation of conservation and management practices and their continuing maintenance.

§ 56-4. Purpose and intent.

A. The purpose of this chapter is to set forth the minimum requirements for construction site erosion control and stormwater management that will diminish threats to public health, safety, public and private property and natural resources of the Village of Holmen.

B. This chapter is intended to regulate construction site erosion and stormwater runoff, to accomplish the following objectives:

(1) Promote regional stormwater management by watershed.

(2) Minimize sedimentation, water pollutions from nutrients, heavy metals, chemical and petroleum products and other contaminants, flooding and thermal impacts to the water resources of the Village of Holmen.

(3) Promote infiltration and groundwater recharge.

(4) Protect functional values of natural watercourses and wetlands.

(5) Provide a set of performance standards that are consistent with the standards set forth by La Crosse County.

(6) Achieve a reduction of 80% in sediment load rates to La Crosse County waters compared to no controls for all new development, a reduction of 40% in sediment

load rates compared to no controls for all redevelopment and street reconstruction, and a reduction of 20% in sediment load rates compared to no controls for existing developments.

(7) Ensure no increase in temperature of stormwater post-construction in order to protect cold water communities.

(8) Runoff rate control: design standards. All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:

(a) Maintain predevelopment peak runoff rates for the two-, 24-hour storm event (2.9 inches over 24 hours' duration).

(b) Maintain predevelopment peak runoff rates for the 10-year, 24-hour storm event (4.2 inches over 24 hours' duration).

(c) Safely pass the 100-year, 24-hour storm event (6.0 inches over 24-hour duration).

(9) Protect public and private property from damage resulting from runoff or erosion.

§ 56-5. Applicability of requirement for erosion control permits.

Unless expressly exempted by § 56-7, an erosion control permit under § 56-9 shall be required and all construction site erosion control provisions of this chapter shall apply to any of the following activities in the Village of Holmen:

A. Land-disturbing activity in excess of 4,000 square feet.

B. Land-disturbing activity on a slope of greater than 12%.

C. Land-disturbing activity that involves the excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material.

D. Land-disturbing activity that disturbs more than 100 linear feet of road ditch, grass waterway or other land area where surface drainage flows in a defined open channel; including the placement, repair or removal of any underground pipe, utility or other facility within the cross section of the channel.

E. Any new public or private roads or access drives longer than 125 feet.

F. Development that requires a subdivision plat, as defined in the applicable local land division ordinance(s).

G. Land-disturbing activity that disturbs less than 4,000 square feet of land, including the installation of access drives, that the local approval authority determines to have a high risk of soil erosion or water pollution, or that may significantly impact a lake, stream or wetland area. Examples of activities with a high risk of soil erosion or water pollution may include, but are not limited to, land disturbance on erodible soil or disturbance adjacent to lakes, rivers, streams or wetlands. All such determinations made by the local approval authority shall be in writing, unless waived by the applicant.

§ 56-6. Applicability of requirement for stormwater control permits.

Unless otherwise exempted by § 56-7, a stormwater control permit under § 56-9 shall be required and all stormwater management provisions of this chapter shall apply to any of the following activities with the Village of Holmen:

A. Any development(s) after the adoption date of this chapter that result(s) in the cumulative addition of 20,000 square feet of impervious surface to the site.

B. Any development that requires a subdivision plat, as defined in applicable local land division ordinance(s).

C. Any development that requires a certified survey map, as defined in the applicable local and land division ordinance(s); for property intended for commercial or industrial use.

D. Redevelopment, as defined in § 56-2, shall meet the following stormwater management performance standards: § 56-11B(1)(b), (2), (3), (4) and (5).

E. Other land development activities, including, but not limited to, redevelopment or alteration of existing buildings and other structures that the local approval authority determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact a lake, stream or wetland area. All such determinations shall be made in writing unless waived by the applicant.

F. Any development(s) in excess of one acre including an impervious surface.

§ 56-7. Exemptions and clarifications.

A. The following activities are exempt from all requirements of this chapter:

(1) Any activity directly related to the planting, growing and harvesting of agricultural crops.

(2) Construction of agricultural buildings, provided the resulting new total impervious surface area does not exceed 20,000 square feet.

B. The following activities are exempt from the construction site erosion control provisions of § 56-5.

(1) One- and two-family dwelling units regulated under the Wisconsin Uniform Dwelling Code. The Village of Holmen shall regulate these sites during the period that residential building permits are in effect, consistent with then-existing Wisconsin Uniform Dwelling Code requirements.

(2) Construction of public buildings and buildings that are places of employment relating to activities specifically regulated by the Wisconsin Department of Commerce during the period that Department of Commerce authorized building permits are in effect and specific erosion control procedures on these construction sites are effective, pursuant to Section 101.1205, Wisconsin Statutes.

(3) State building projects subject to Section 13.48(13), Wisconsin Statutes, and state highway projects subject to Wisconsin Administrative Code Chapter Trans 401.

C. Notwithstanding the language in Subsection B(2), activities unrelated to actual building construction shall be subject to all the requirements of this chapter. These activities shall include, but are not limited to:

(1) Land-disturbing activity prior to excavation for foundation work.

(2) Landscaping.

(3) Installation of driveways, parking areas and sidewalks.

(4) Earthwork on an area greater than 4,000 square feet on sites not directly related to structural concerns.

(5) Development of ponds and channelized watercourses, commercial parks and landing strips or airport runways.

D. Notwithstanding the language of Subsection B(3), the following activities are subject to the requirements of this chapter.

(1) Buildings and activities of municipalities.

(2) Buildings and activities of school districts.

(3) Local highway projects.

(4) Municipal streets.

§ 56-8. Preliminary review letter.

A preliminary review letter provides a potential permit applicant with an initial simple evaluation of whether erosion and stormwater control standards can be met for a proposed site, lot layout or construction design. This review is intended to assist applicants in preparing general site plans and other submittals necessary to obtain an erosion control and stormwater permit. A preliminary review letter does not guarantee that an erosion or stormwater control plan will be approved or that a permit will be issued. Erosion and stormwater control plans and permit applications must meet all applicable standards and criteria for approval.

§ 56-9. Erosion and stormwater control permits and administration.

A. No activity meeting the criteria described in § 56-5 or 56-6 shall occur and no zoning permit may be issued until an erosion control and stormwater control permit is issued by the local approval authority.

B. The applicant must provide the following when requesting a permit:

(1) Completed application form.

(a) The application must be signed by the landowner or include a notarized statement signed by the landowner authorizing the applicant to act as the landowner's agent and bind the landowner to the terms of this chapter.

(b) If a landowner appoints an agent to submit an application pursuant to Subsection B(1)(a), the landowner shall be bound by all the requirements of this chapter and the terms of any permit issued to the agent.

(2) Fees as required by § 56-15.

(3) Copy of preliminary review letter, as described in § 56-8, if applicable.

(4) If required by § 56-5, an erosion control plan meeting all the standards of § 56-10, or a simplified checklist as described in § 56-10.

(5) If required by § 56-6, a stormwater management plan meeting all of the standards of § 56-11 and a draft maintenance agreement as described in § 56-11A(9).

(6) Copies of permits or permit applications or approvals required by any other governmental entity.

(7) A proposed timetable and schedule for completion and installation of all elements of approved erosion control and stormwater management plans and a detailed schedule for completion of construction.

(8) An estimate of the cost of completion and installation of all elements of the approved erosion control and stormwater management plans.

(9) Evidence of financial responsibility to complete the work proposed in the plan. The local approval authority may require a financial security instrument sufficient to guarantee completion of the project.

C. Approval process.

(1) The local approval authority shall verify that the permit application is complete under § 56-9B. The local approval authority shall then forward plan(s) to the plan review agency for review and approval. Plan review staff shall review the plan(s) for compliance with the standards identified in §§ 56-10 and 56-11.

(2) Within the time frame set by the local approval authority, the plan review staff shall either approve the submitted plan or notify the local approval authority of any deficiencies. Staff engaged in this review and approval process shall be certified where appropriate by the Wisconsin Department of Commerce for this purpose.

(3) The local approval authority shall notify the applicant in writing of any deficiency in the proposed plan, and the applicant shall be given an opportunity to correct any deficiency.

(4) Where installed stormwater practices will be privately owned, an affidavit which describes the property legal description, notifying prospective purchasers of the existence of a stormwater permit issued under this chapter and applicable plan, timetables and potential liability imposed by Subsection H(3) for failure to bring the property into compliance with this chapter after notification, shall be recorded with the La Crosse County Register of Deeds prior to issuance of an erosion and stormwater control permit. The foregoing information shall also be noted on every plat and certified survey map.

(5) Upon approval of the plan review agency, the erosion control or stormwater management permit shall be issued by the local approval authority after the applicant has met all other requirements of this chapter.

D. Permit conditions.

(1) The plan shall be implemented prior to the start of any land-disturbing activity and shall be maintained over the duration of the project. Stormwater components of the plan shall be maintained in perpetuity.

(2) The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.

(3) Application for a permit shall constitute express permission by the permittee and landowner for the local approval authority to enter the property for purposes of inspection under Subsection E(5) or curative action under Subsection H(3). The application form shall contain a prominent provision advising the applicant and landowner of this requirement.

(4) All incidental mud-tracking off site onto adjacent public thoroughfares shall be cleaned up and removed by the end of each working day using proper disposal methods.

E. Inspections.

(1) Application for a permit under this chapter shall constitute permission by the applicant and landowner for the local approval authority to enter upon the property and inspect during the construction phase, prior to the inspections pursuant to Subsection E(4) and (6), as necessary to confirm compliance with the requirements of this chapter.

(2) As part of the plan approval process, the local approval authority shall determine the minimum number of inspections required to assure compliance. The site of any regulated land-disturbing activity shall be inspected once every week or after a rain event of 0.5 inches or more, or more frequently as determined by the local approval authority during the construction phase with assistance from the plan review agency staff.

(3) Within 10 days after installation of all practices in an approved erosion control plan and achievement of soil stabilization, the permittee shall notify the local approval authority.

(4) The local approval shall inspect the property to verify compliance with the erosion control plan within 10 days of notification of soil stabilization.

(5) Within 10 days after installation of all practices in an approved stormwater management plan, the permittee shall notify the local approval authority and submit drawings documenting construction. The person who designed the stormwater management plan for the permittee shall submit as-built certification to ensure that constructed stormwater management practices and conveyance systems comply with the specifications included in the approved plans. At

minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed. Other information shall be submitted as required by the local approval authority.

(6) The local approval authority shall inspect the property to verify compliance within 10 days of notification.

(7) Maintenance is the responsibility of the owner, and facilities are subject to inspection and orders for repairs.

F. Permit transfers.

(1) When a permittee and landowner act to transfer an interest in property subject to an approved plan prior to the proposed steps to attain soil stabilization, the permittee must secure approval from the local approval authority.

(2) When a permittee and landowner transfer ownership, possession or control of real estate subject to either or both an uncompleted erosion control or stormwater management plan, the successor in interest to any portion of the real estate shall be responsible to control soil erosion and runoff and shall comply with the minimum standards provided in this chapter.

(3) When ownership, possession or control of property subject to an uncompleted erosion control or stormwater management plan, or both, is transferred, the former owner (seller) shall notify the new owner (buyer) as to the current status of compliance, with notice to the authority, and provide a copy of the erosion control plan or stormwater management plan, or both.

(4) Transfers of interest in real estate subject to an approved, uncompleted plan may be conducted consistent with this chapter under any of the following arrangements:

(a) The transferee shall file a new, approved erosion control or stormwater management plan, or both, with the authority.

(b) The transferee shall obtain an approved assignment from the authority as subpermittee to complete that portion of the approved plan regulating soil erosion and runoff on the transferee's property.

(c) The permittee shall provide the authority with a duly completed and executed continuing surety bond or certified check in an amount sufficient to complete the work proposed in the approved plan; at the time of transfer, the permittee may seek to reduce the surety bond or certified check to the appropriate amount to complete remaining work. If the transferor enters into escrow agreements with transferees to complete an approved plan, these funds shall be available to the authority to attain plan compliance. When an approved erosion control plan and, if required, a stormwater management plan is or are not completed as proposed, the authority may use the surety bond to complete remaining work to achieve plan compliance.

G. Plan or permit amendments. Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land-disturbing site

activities shall be approved by the local approval authority in consultation with the plan review agency prior to implementation of said changes.

H. Enforcement; stop-work order.

(1) Whenever the local approval authority finds any noncompliance with the provisions of this chapter the local approval authority shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance, if such person is readily available. If the owner or person performing the work is not readily available, that person refuses to voluntarily comply immediately or the noncompliance presents an imminent danger or will cause or threatens to cause bodily injury or damage to off-site property, including, but not limited to, off-site runoff, the local approval authority shall post in a conspicuous place on the premises a stop-work order which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.

(2) The stop-work order shall provide the following information: date of issuance, identifying information, reason for posting and the signature of the inspector posting the card.

(3) It shall be a violation of the chapter for the unauthorized removal of the stop-work order from the premises.

(4) In addition to posting a stop-work order, the local approval authority shall provide notification to the owner or contractor by personal service, written notice by certified mail or facsimile transmission.

(5) The permittee, landowner and contractor shall have 24 hours from the time and date of notification by the local approval authority to correct any noncompliance with the plan, when notification is by either personal communication of noncompliance to the owner or contractor or their respective agents or written notice sent by certified mail to the owner or contractor.

(6) If notice is not provided under Subsection H(5), the permittee and landowner shall have 72 hours to correct any noncompliance with the plan when notification is by posting notice in a conspicuous place on the site or sending notice by facsimile transmission or email to the owner or contractor.

(7) If any noncompliance is not corrected within the time periods specified in Subsection H(5) or (6), the permittee and landowner authorize the local approval authority to take any action, to perform any work or to commence any operations necessary to correct conditions upon the subject property where notice of noncompliance has been issued to bring the property into conformance with plan requirements. The permittee and landowner further consent to reimburse the authority for the total costs and expenses of the aforementioned actions; said reimbursement may be collected as a special charge upon the property for current services rendered as provided by law.

(8) If the permittee has filed an appeal under § 56-14A(1) prior to the expiration of the time for compliance under Subsection H(6), the local approval authority may take action, perform work or correct conditions only to the extent necessary to

protect against or correct an imminent hazard or a condition that will cause or threatens to cause personal injury or damage to off-site property.

I. Penalties.

(1) Any person or persons, firm, company or corporation, owner, occupant or other user of the premises who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be subject to a forfeiture of not less than $100 nor more than $500 and costs. Each day that a violation exists shall constitute a separate offense.

(2) Any person who has the ability to pay any forfeiture entered against him or her under this chapter, but refuses to do so, may be confined in the county jail until such forfeiture is paid, but in no event to exceed 30 days. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether or not such income or assets are subject to garnishment, lien or attachment by creditors.

(3) As a substitute for or as an addition to forfeiture actions under Subsection I(1) or corrective action under Subsection H(7), the Village Attorney is authorized to seek enforcement of any part of this chapter by court action seeking injunctive relief. It shall not be necessary for the Village to take corrective action or prosecute for forfeiture before resorting to injunctive relief.

J. Fees. The permit fee shall be payable at the time an application for either an erosion control or a stormwater management permit, or both, is submitted.

§ 56-10. Erosion control plan requirements.

A. Plan materials. Erosion control plans required under § 56-5 may include consideration of adjoining landowners' cooperative efforts to control transport of sediment and, except as specifically exempted below, shall include at a minimum the following information:

(1) Limits of disturbed area.

(2) Limits of impervious area.

(3) Cross sections of and profiles within road ditches.

(4) Culvert sizes.

(5) Direction of flow of runoff.

(6) Watershed size for each drainage area.

(7) Design discharge for ditches and structural measures.

(8) Runoff velocities.

(9) Fertilizer and seeding rates and recommendations.

(10) Time schedules for stabilization of ditches and slopes.

(11) Description of methods by which sites are to be developed.

(12) Provision for sequential steps mitigating erosive effect of land-disturbing activities to be followed in appropriate order and in a manner consistent with accepted erosion control methodology suitable to proposed sites and amenable to prompt revegetation.

(13) Provisions to prevent mud-tracking off site onto public thoroughfares during the construction period.

(14) Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features of the site.

B. Simplified plan checklist.

(1) Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices, on a standard form approved by the local approval authority, wherever all the following conditions exist:

(a) The site does not exceed 20,000 square feet in area.

(b) The slope of the land does not exceed 6% throughout the site.

(2) Simplified plan checklists shall be reviewed by the local approval authority for completeness and accuracy.

C. Erosion control performance standards.

(1) Proposed design, suggested location and phased implementation of effective, practicable erosion control measures for plans shall be designed, engineered and implemented to achieve the following results:

(a) Prevent gully and bank erosion.

(b) Limit total off-site permissible annual aggregate soil loss for exposed areas resulting from sheet and rill erosion to an annual, cumulative soil loss rate not to exceed five tons per acre annually.

(2) Plan compliance under Subsection C(1) shall be determined using the U.S. Natural Resources Conservation Service Technical Guide or another commonly accepted soil erosion methodology approved by the La Crosse County Conservationist that considers season of year, site characteristics, soil erodibility and slope.

(3) Erosion control measures for plan approval need not attempt to regulate soil transportation within the boundaries of the applicant's site.

(4) Erosion control plans must be submitted in accordance with this chapter to and approved by the Village of Holmen prior to the start of any ground-disturbing activities.

§ 56-11. Stormwater management plan requirements.

A. Plan materials. Stormwater management plans shall satisfy all the requirements in Subsection B, and shall address at a minimum the following information:

(1) A narrative describing the proposed project, including implementation schedule for planned practices.

(2) Identification of the entity responsible for long-term maintenance of the project.

(3) A map showing drainage areas for each watershed area.

(4) A summary of runoff peak flow rate calculations, by watershed area, including:

(a) Preexisting peak flow rates.

(b) Post-construction peak flow rates with no detention.

(c) Post-construction peak flow rates with detention.

(d) Assumed runoff curve numbers (RCNs).

(e) Time of concentration (Tc) used in calculations.

(5) A complete site plan and specifications, signed by the person who designed the plan. All plans shall be drawn to an easily legible scale, shall be clearly labeled, and shall include, at a minimum, all of the following information.

(a) Property lines and lot dimensions.

(b) All buildings and outdoor uses, existing and proposed, including all dimensions and setbacks.

(c) All public and private roads, interior roads, driveways and parking lots. Show traffic patterns and type of paving and surfacing material.

(d) All natural and artificial water features, including, but not limited to, lakes, ponds, streams (including intermittent streams), and ditches. Show ordinary high water marks of all navigable waters, 100-year flood elevations and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetland delineation, or both, may be required at the applicant's expense.

(e) Depth to bedrock.

(f) Depth to seasonal high water table.

(g) The extent and location of all soil types as described in La Crosse County Soil Survey, slopes exceeding 12%, and areas of natural woodland or prairie.

(h) Existing and proposed elevations (referenced to the North American Vertical Datum of 1988, where applicable) and existing and proposed contours in the area requiring a grading and filling permit.

(i) Elevations, sections, profiles and details as needed to describe all natural and artificial features of the project.

(j) Soil erosion control and overland runoff control measures, including runoff calculations as appropriate.

(k) Detailed construction schedule.

(l) Copies of permits or permit applications required by any other governmental entities or agencies.

(m) Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features.

(n) Location of all stormwater management practices.

(o) All existing and proposed drainage features.

(p) The location and area of all proposed impervious surfaces.

(q) The limits and area of the disturbed area.

(6) Engineered designs for all structural management practices.

(7) A description of methods to control oil and grease or written justification for not providing such control.

(8) If required under Subsection B(7)(a) a description and plans to control temperature of runoff.

(9) A maintenance plan and schedule for all permanent stormwater management practices as recorded on the affidavit required in § 56-9.

B. Stormwater management performance standards. Proposed design, suggested location and phased implementation of effective, practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:

(1) Sediment control.

(a) For new construction, design practices to retain soil particles greater than three microns on the site (reduction of 80%) resulting from a one-year, 24-hour storm event, according to approved procedures, and assuming no sediment resuspension.

(b) For redevelopment resulting in exposed surface parking lots and associated traffic areas, design practices to retain soil particles greater than 20 microns on the entire site (reduction of 40%) resulting from a one-year, 24-hour storm event, according to approved procedures, and assuming no sediment resuspension. Under no circumstances shall the site's existing sediment control level or trapping efficiency be reduced as a result of the redevelopment.

(2) Oil and grease control. For all stormwater plans for commercial or industrial developments and all other uses where the potential for pollution by oil or grease,

or both, exists, the first 0.5 inch of runoff will be treated using the best oil and grease removal technology available. This requirement may be waived by the plan reviewer only when the applicant can demonstrate that installation of such practices is not necessary.

(3) Runoff rate control: hydrologic calculations. All runoff calculations shall be according to methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as "TR-55"), or other methodology approved by the La Crosse County Conservationist. For agricultural land subject to this section, the maximum runoff curve number (RCN) used in such calculations shall be 51 for HSG A, 68 for Hydrolic Soil Group B, 79 for HSG C, and 84 for HSG D. The TR-55 specified curve numbers for other land uses shall be used for heavily disturbed sites and will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to predeveloped conditions, no permeability class modification is required.

(4) Runoff rate control: design standards. All stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:

(a) Maintain predevelopment peak runoff rates for the two-year, 24-hour storm event (2.9 inches over 24 hours' duration).

(b) Maintain predevelopment peak runoff rates for the 10-year, 24-hour storm event (4.2 inches over 24 hours' duration).

(c) Safely pass the 100-year, 24-hour storm event (6.0 inches over 24-hour duration).

(5) Outlets. Discharges from new construction sites must have a stable outlet capable of carrying designed flow as required in Subsection B(4), at a nonerosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to stormwater conveyance or water body.

(6) Infiltration. All downspouts, driveways and other impervious areas shall be directed to pervious surfaces, where feasible, or unless the applicant can demonstrate that the practice is likely to result in groundwater contamination. Infiltration performance standard shall be in compliance with § NR 151.124, Wis. Adm. Code.

(7) Thermal control.

(a) The stormwater management plan shall include provisions and practices to reduce the temperature of runoff for sites located within the watershed of a river or stream identified by the Wisconsin Department of Natural Resources as:

[1] A cold-water community as identified through § NR 102.04(3)(a), Ch. NR 104, Wisconsin Administrative Code, and Class I, Class II and

Class III Trout Streams identified in "Wisconsin Trout Streams," DNR publication 6-3600(80) or its successor.

[2] Rivers or streams proposed by the Wisconsin Department of Natural Resources as cold water communities and Class I, II and III Trout Streams.

(b) Thermal control, continued. The stormwater management plan does not have to meet the requirements in Subsection B(7)(a) if the applicant can justify by use of a model approved by the La Crosse County Conservationist that practices are not necessary because the temperature increase of runoff from the site post development will be zero.

(c) Thermal control, continued. A current list and maps of affected watersheds shall be available for reference at the office of the local approval authority and the plan review agency.

(8) Stormwater management goals. The following standards shall be met whenever possible, and proposed design, suggested location and implementation of practices to meet these goals shall be included in plans:

(a) For existing development, design practices to retain soil particles greater than 40 microns on the site (reduction of 20%) resulting from a one-year, 24-hour storm event, according to approved procedures, and assuming no sediment resuspension.

(b) For street reconstruction, design practices to retain soil particles greater than 20 microns on the site (reduction of 40%) resulting from a one-year, 24-hour storm event, according to approved procedures, and assuming no sediment resuspension.

(9) All plans must be submitted, in accordance with this chapter, to and approved by the Village of Holmen prior to the start of any ground-disturbing activities.

§ 56-12. Off-site stormwater management.

Off-site stormwater management is allowed, provided that all of the following conditions for the off-site facility are met:

A. The facility is in place.

B. The facility is designed and adequately sized to provide a level of stormwater control that at least meets the chapter standards.

C. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

§ 56-13. Technical standards and specifications.

The design of all best management practices designed to meet the requirements of this chapter shall comply with the following technical standards:

A. Natural Resources Conservation Service's "Field Office Technical Guide, Chapter 4," or its successor.

B. Wisconsin Department of Natural Resources' "Wisconsin Construction Site Best Management Practice Handbook," or its successor.

C. Any other technical methodology approved by the La Crosse County Conservationist.

§ 56-14. Appeals and variances.

A. Appeals.

(1) Any person aggrieved by any decision of the local approval authority pursuant to this chapter may appeal to the Village Board of Appeals. Such appeal shall be taken within 45 days after the challenged decision. Notice of appeal setting forth the specific grounds for the appeal shall be filed with the local approval authority and the Board of Appeals. The Zoning Administrator shall forthwith transmit the record upon which the action was taken.

(2) The Board of Appeals shall fix a reasonable time for the hearing of the appeal and publish a Class 2 notice thereof under Chapter 985, Wisconsin Statutes, as well as give due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear in person or by agent or attorney.

(3) The Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.

(4) The concurring vote of four members of the Board of Appeals shall be necessary to reverse the decision of the local approval authority.

B. Variances.

(1) An applicant may include in the application a request for a variance from the requirements of §§ 56-10 and 56-11. No variance shall be granted unless the applicant demonstrates and the local approval authority, after consultation with the County Conservationist, finds that all of the following conditions are present:

(a) Enforcement of the standards set forth in this chapter will result in unnecessary hardship to the landowner.

(b) The hardship is due to exceptional physical conditions unique to the property.

(c) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent of this chapter.

(d) The project will have no impact upon any of the stated purposes of this chapter as set forth in § 56-4.

(e) The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection to the public health, safety and welfare, the environment and public and private property.

(f) The net cumulative effect of the variance will not impact downstream conditions.

(g) Existing regional facilities are shown to meet the performance standards of this chapter.

(2) If all of the conditions set forth in Subsection B(1) are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship, with primary consideration to water quality.

(3) A variance from the provisions of § 56-11B(1), (2), and (7)(a) may only be granted if:

(a) The applicant has met the requirements of § 56-14B(1).

(b) The applicant will be denied all reasonable and beneficial use of the property if the variance is denied.

(4) A person aggrieved by a variance determination by the local approval authority may appeal the decision to the Board of Appeals pursuant to Subsection A.

(5) A person aggrieved by a decision of the Board of Appeals regarding a variance may appeal that decision to the La Crosse County Circuit Court.

§ 56-15. Permit fees.

The Village Board shall establish a fee schedule for erosion control and stormwater management permits.

Chapter 57

ILLICIT DISCHARGES AND CONNECTIONS

§ 57-1. Definitions.

§ 57-2. Discharges prohibited.

§ 57-3. Connections prohibited.

§ 57-4. Exemptions.

§ 57-5. Enforcement.

[HISTORY: Adopted by the Village Board of the Village of Holmen 2-12-2015 by Ord. No. 1-2015. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.
Erosion control and stormwater management — See Ch. 56.
Land division — See Ch. 90.
Sewers — See Ch. 150.
Stormwater utility — See Ch. 157.
Water — See Ch. 187.

§ 57-1. Definitions.

The following definitions shall be applicable in this chapter:

ILLICIT CONNECTION — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances that allow any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system, and any connections to the storm drain system from indoor drains and sinks.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

STORM DRAIN SYSTEM — Publicly owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

§ 57-2. Discharges prohibited.

No person shall discharge, spill or dump substances or materials which are not entirely composed of stormwater into receiving bodies of water or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system. Unless otherwise approved by the Director of Public Works, no person shall discharge roof drains, yard drains or sump pumps onto streets, sidewalks, or other areas within Village right-of-way that drain to the storm drainage system. Roof drains, yard drains, and sump pumps shall discharge onto pervious areas at grade on private property.

§ 57-3. Connections prohibited.

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system will be allowed as a grandfathered nonconforming use unless the Director of Public Works determines it is a detriment to the system. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this chapter, regardless of whether those connections were permissible under law or practice applicable or prevailing at the time of connection. Roof drain and sump pump discharge connections are to be approved by the Director of Public Works prior to connection to the storm drainage system.

§ 57-4. Exemptions.

The following activities are exempt from the provisions of this chapter, unless found to have an adverse impact on the stormwater system:

A. Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.

B. Discharges resulting from firefighting activities.

C. Discharges from uncontaminated groundwater, potable water sources, air-conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and municipal swimming pools, if the water has been dechlorinated.

§ 57-5. Enforcement.

Whenever the Village of Holmen finds a person has violated a prohibition or failed to meet a requirement of this chapter, the Village of Holmen may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

A. The elimination of illicit connections or discharges.

B. That violating discharges, practices, or operations shall cease and desist.

C. The abatement or remediation of stormwater pollution or contaminated hazards and the restoration of any affected property.

D. In the event the person fails to eliminate the illicit connections or discharges, fails to cease and desist in discharges, practices or operations in violation of this chapter or fails to abate or remediate the stormwater pollution or contamination hazards, that person may be subject to a forfeiture of not less than $100 nor more than $1,000 for each offense, together with the cost of prosecution. Each day that the violation exists shall constitute a separate offense, together with the costs of prosecution.

Chapter 58

EXCAVATIONS

§ 58-1. Excavation permit required.

§ 58-2. Restoration of public areas.

§ 58-3. Exemption.

§ 58-4. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 2-14-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.
Streets and sidewalks — See Ch. 159.

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§ 58-1. Excavation permit required.

A. In addition to any other requirements imposed by the Village of Holmen, County of La Crosse, and State of Wisconsin, any property owner, land developer, or any other person, "person" herein defined to include any individual, partnership, association, or corporation including public utilities, shall be required to obtain a written excavation permit from the Village of Holmen, Village of Holmen Clerk, before grading, stripping, or disturbing the terrain of any land within the Village of Holmen except for those lands used for agricultural purposes.

B. Any applicant for such a permit shall consult with the appropriate village officials or their designees for assistance in determining the measures necessary to minimize on-site environmental damage in a manner and time frame consistent with approved soil conservation techniques. Prior to the issuance of an excavation permit, the Village Board of the Village of Holmen may, at its discretion, after taking into consideration the nature and size of the excavation, stripping, or grading project, require an agreement from the property owner, land developer, or any other person as heretofore described specifying the measures to be taken to restore the terrain to an acceptable condition within recognized soil conservation standards. In order to ensure compliance with said agreement the Village Board of the Village of Holmen may, at its discretion, require a bond or other surety to ensure compliance with the requirements and conditions of such an agreement, the amount of which bond or surety shall depend upon the size of the excavation, stripping, or grading project.

§ 58-2. Restoration of public areas.

Any property owner, developer, or any other person as heretofore defined is further required to promptly and completely restore to a state at least as good as previously existing any part of any village road, easement, right-of-way or other public areas in the following respects:

A. The proper restoration of surface water flow courses, slopes and banks, including adequate sodding and seeding thereof, in accordance with acceptable soil conservation

practices as adopted by the La Crosse County Soil and Water Conservation District and the Village Board of the Village of Holmen.

B. The proper replacement of any existing culverts or culvert structures which may have been moved or disturbed.

C. The proper restoration of any lands, including tamping and adequate seeding or sodding thereof, which have been disturbed by utility lines placed on any town road, public easements, rights-of-way, or any other public areas.

§ 58-3. Exemption.

Any contractor, individual, partnership or corporation with a valid building permit issued by the Village of Holmen Building Inspector shall be exempt from the requirement of this chapter for any excavation done on the land covered by the building permit.

§ 58-4. Violations and penalties.

Any person, firm, partnership, association, or corporation violating this chapter shall upon conviction thereof forfeit not less than $200 nor more than $500 together with the cost of prosecution thereon, and in default of payment of said forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, not to exceed 30 days for each violation. Each day the violation continues shall be deemed a separate offense under this chapter.

Chapter 63

FIREARMS, BOW AND ARROWS, AND OTHER MISSILES

§ 63-1. Concealed weapons prohibited.

§ 63-2. Concealed weapons in Village government buildings prohibited.

§ 63-3. Specific concealed weapons prohibited.

§ 63-4. Possession, sale and manufacture of certain weapons prohibted.

§ 63-5. Throwing or shooting of arrows, stones and other missiles.

§ 63-6. Firearms and explosives.

§ 63-7. Exceptions.

§ 63-8. Violations and penalties.

[HISTORY:[1] Adopted by the Village Board of the Village of Holmen 6-9-2016 by Ord. No. 7-2016. Amendments noted where applicable.]

§ 63-1. Concealed weapons prohibited.

A. No person shall within the Village wear or in any manner carry under his/her clothes or conceal upon or about his/her person any dangerous weapon except that those individuals who carry a current and valid conceal and carry weapon license shall be allowed to wear or carry under his/her clothes or conceal upon or about his/her person a weapon, in those areas of the Village where allowed. A person with a current and valid conceal and carry weapon license may not carry a weapon, where it has been posted by the business or property owner that weapons are prohibited pursuant to § 943.13, Wis. Stats. This subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.

B. "Conceal and carry weapon license" means a license issued under § 175.60, Wis. Stats., or a permit issued by another state designated by the Wisconsin Department of Justice authorized to carry concealed weapons in Wisconsin.

C. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

D. "Weapon" has the meaning given under § 175.60(1)(j), Wis. Stats., namely a handgun, not to include a machine gun, short barreled rifle or short barreled shotgun; electric weapon as defined in § 941.295, Wis. Stats.; knife, not including a switchblade knife; and a billy club.

1. **Editor's Note: Former Ch. 63, Firearms and Weapons, adopted 5-8-1947, was repealed 11-10-2011.**

§ 63-2. Concealed weapons in Village government buildings prohibited.

A. No person shall carry or be possessed of a dangerous weapon or weapon in the Village of Holmen Police Department where such building has posted signs prohibiting weapons or firearms at all public entrances, pursuant to § 943.13(1m)(c)4, Wis. Stats.

B. The Village shall display a sign, in a place where a reasonable person can be expected to see it, which shall be a minimum of five inches by seven inches and that notifies all persons entering the building that weapons and firearms are prohibited pursuant to § 943.13(2)(bm)2.b, Wis. Stats.

C. This subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties.

§ 63-3. Specific concealed weapons prohibited.

No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of his/her duties, shall carry or wear concealed about his/her person any dangerous weapon, including but not limited to a pistol, revolver, firearm, sling shot, cross-knuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Village, except that a person with a current and valid conceal and carry weapon license or such persons as may be authorized to carry such weapons may carry a weapon, in those areas of the Village where allowed. A person with a current and valid conceal and carry weapon license and such persons as may be authorized to carry such weapons may not carry a weapon, where it has been posted by the business or property owner that weapons are prohibited.

§ 63-4. Possession, sale and manufacture of certain weapons prohibted.

A. No person shall sell, manufacture, purchase, possess or carry a "numchuk" (also called a "nunchaku") or a "churkin" or a "sucbai" or similar weapon within the Village of Holmen.

B. For the purpose of this section, the following definitions shall apply:

CHURKIN — A round throwing knife consisting of several sharp points protruding from a rounded disc.

NUMCHUK or NUNCHAKU — An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.

SUCBAI — A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

C. Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

§ 63-5. Throwing or shooting of arrows, stones and other missiles.

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow, stone, or other missile within the Village of Holmen for any purpose.

§ 63-6. Firearms and explosives.

A. Discharge of firearms and guns regulated. No person shall fire or discharge any cannon, gun, pistol, air or spring gun or any firearm of any description within the Village of Holmen without having first obtained written permission from the Chief of Police, which permission shall limit the time and fix the place of such shooting and shall be subject to be revoked at any time after the same may have been granted, except this section shall not be construed to prohibit the discharge of firearms by the Sheriff or any of his deputies, the Chief of Police or any of his subordinates or any public officer when required and made necessary in the performance of any duty imposed by law.

B. Explosive devices. No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village of Holmen without first obtaining a permit to do so from the Chief of Police.

§ 63-7. Exceptions.

A. Guns, bows, crossbows and other weapons or instruments as described herein may be discharged within the confines of a gun or bow club or target range that has been authorized and properly zoned by the Village and is properly supervised by the owners or operators of such facility.

B. The Chief of Police may grant written permission to any party utilizing a sizable track of agricultural or conservancy land for hunting or recreational purposes.

C. The Chief of Police may grant written permission, which permission shall limit the time and fix the place of use of any firearm, weapon or instrument. Said permission shall be subject to be revoked at any time after it may have been granted.

§ 63-8. Violations and penalties.

A person who violates any provision of this chapter is subject to a forfeiture of not less than $100 nor more than $500, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid.

Chapter 66

FIREWORKS

§ 66-1. Definitions.

§ 66-2. Sales regulated.

§ 66-3. Use regulated.

§ 66-4. User's permit.

§ 66-5. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 2-10-2000. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 127.

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§ 66-1. Definitions.

The definition of "fireworks" shall be defined as provided in Wisconsin Statutes Section 167.10(1) and shall be deemed to include all rockets or similar missiles containing explosive fuel. Caps, sparklers and toy snakes are exempt from this definition.

§ 66-2. Sales regulated.

Except as provided in Section 167.10(2) and (4), Wisconsin Statutes, no person shall sell, or possess with the intent to sell, fireworks.

§ 66-3. Use regulated.

Except as provided in Section 167.10(3), Wisconsin Statutes, no person shall possess or use fireworks without a user's permit, issued pursuant to § 66-4.

§ 66-4. User's permit.

As provided in Section 167.10(3), Wisconsin Statutes, fireworks users' permits may be issued for festivals or celebrations after proper application to the Village Clerk on forms provided by the village. The village shall require a certificate of liability insurance or similar proof of coverage in an amount not less than $500,000. There shall be no permit fee. A copy of the permit and proof of insurance shall be given to the Fire and Police Chiefs at least two days before authorized use.

§ 66-5. Violations and penalties.

A. Any person violating any provisions of this chapter shall be subject to a forfeiture of not less than $50 and the cost of prosecution and, in default of payment of such

forfeiture and cost of prosecution, shall be imprisoned in the county jail until the forfeiture and cost of prosecution are paid, but not exceeding five days.

B. In addition to any penalty imposed, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parents of any unemancipated minor child may also be held liable for the cost of replacing or repairing damaged or destroyed property in accordance with Section 895.035, Wisconsin Statutes.

Chapter 71

FLOODPLAIN ZONING

ARTICLE I

Statutory Authority; Finding of Fact; Purpose; Title; General Provisions

§ 71-1. Statutory authority.

§ 71-2. Finding of fact.

§ 71-3. Statement of purpose.

§ 71-4. Title.

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Floodway District (FW)

§ 71-10. Applicability.

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§ 71-12. Standards for developments in floodway areas.

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Flood-Fringe District (FF)

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§ 71-15. Permitted uses.

§ 71-16. Standards for development in flood-fringe areas.

ARTICLE V

General Floodplain District (GFP)

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§ 71-18. Permitted uses.

§ 71-19. Standards for development.

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§ 71-25. Zoning Administrator.

§ 71-26. Land use permit; certificate of compliance; other permits.

§ 71-27. Zoning agency.

§ 71-28. Board of Adjustment/Appeals.

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ARTICLE VIII

Amendments

§ 71-32. Actions requiring amendment.

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ARTICLE X
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§ 71-34. Violations and penalties.

§ 71-35. Word usage; terms defined.

[HISTORY: Adopted by the Village Board of the Village of Holmen 2-10-2005 by Ord. No. 1.05; amended in its entirety 12-8-2011 by Ord. No. 5.11. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.
Comprehensive Plan — See Ch. 47.
Erosion control and stormwater management — See Ch. 56.
Excavations — See Ch. 58.
Impact fees — See Ch. 76.
Land division — See Ch. 90.
Board of Review — See Ch. 144.
Sewers — See Ch. 150.
Solid waste — See Ch. 155.
Water — See Ch. 187.
Zoning — See Ch. 195.

ARTICLE I
Statutory Authority; Finding of Fact; Purpose; Title; General Provisions

§ 71-1. Statutory authority.

This chapter is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., for villages and cities; §§ 59.69, 59.692, and 59.694, Wis. Stats., for counties; and the requirements in § 87.30, Wis. Stats.

§ 71-2. Finding of fact.

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

§ 71-3. Statement of purpose.

This chapter is intended to regulate floodplain development to:

A. Protect life, health and property;

B. Minimize expenditures of public funds for flood control projects;

C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

D. Minimize business interruptions and other economic disruptions;

E. Minimize damage to public facilities in the floodplain;

F. Minimize the occurrence of future flood blight areas in the floodplain;

G. Discourage the victimization of unwary land and home buyers;

H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

§ 71-4. Title.

This chapter shall be known as the "Floodplain Zoning Ordinance for Holmen, Wisconsin."

§ 71-5. General provisions.

A. Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or base flood.

> Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A Zones on the Flood Insurance Rate Map.

B. Official maps and revisions.

(1) The boundaries of all floodplain districts are designated as floodplains or A Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk, Village of Holmen. If more than one map or revision is referenced, the most restrictive approved information shall apply.

(2) Official maps:

(a) Flood Insurance Rate Map (FIRM) Panel Numbers 55063C0020D, 55063C0133D, 55063C0134D, 55063C0135D, 55063C0142D, 55063C0151D, 55063C0153D, and 55063C0161D, and Flood Insurance Study (FIS) numbers 55063CV001B and 55063CV002B, all dated January 6, 2012.

C. Establishment of districts. The regional floodplain areas are divided into three districts as follows:

(1) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

(2) The Flood-Fringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

(3) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

D. Locating floodplain boundaries. Discrepancies between boundaries on the official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection D(1) or (2) below. If a significant difference exists, the Map shall be amended according to Article VIII. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to § 71-28C, Subsection D(1) and (2) and the criteria in below.

(1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to § 71-32F.

E. Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

F. Compliance. Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter, and other applicable local, state, and federal regulations.

G. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2002, Wis. Stats., applies.

H. Abrogation and greater restrictions.

(1) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under §§ 59.69, 59.692 or 59.694, Wis. Stats., for counties; § 62.23, Wis. Stats., for cities; or § 61.35, Wis. Stats., for villages; or § 87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(2) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

I. Interpretation. In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this chapter, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

J. Warning and disclaimer of liability. The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

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

L. Annexed areas for cities and villages. The La Crosse County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Municipal Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

M. General development standards. The Village shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other

service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standard. All subdivision proposals (including manufactured homes) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter.

ARTICLE II
General Standards Applicable to All Floodplain Districts

§ 71-6. Hydraulic and hydrologic analyses.

A. Except as allowed in Subsection C below, no floodplain development shall:

(1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

(2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

B. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of Subsection C are met.

C. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this chapter, the official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with Article VIII. Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

§ 71-7. Watercourse alterations.

A. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood-carrying capacity of any altered or relocated watercourse shall be maintained.

B. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

§ 71-8. Development under Chs. 30 and 31, Wis. Stats.

Development which requires a permit from the Department, under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFEs established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the Floodplain Zoning Ordinance are made according to Article VIII.

§ 71-9. Public or private campgrounds.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

A. The campground is approved by the Department of Health Services.

B. A land use permit for the campground is issued by the Zoning Administrator.

C. The character of the river system and the elevation of the campground are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.

D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection D, to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.

F. Only easily removable tents and mobile recreational vehicles are allowed.

G. The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.

H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

I. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

J. All structures that do not meet the definition of a camping unit or mobile recreational vehicle, or that remain in place for more than 180 consecutive days, must meet the applicable requirements in either Article III or Article IV for the floodplain district in which the structure is located.

K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

L. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

ARTICLE III
Floodway District (FW)

§ 71-10. Applicability.

This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to § 71-20.

§ 71-11. Permitted uses.

The following open space uses are allowed in the Floodway District and the floodway areas of the general floodplain district, if they are not prohibited by any other ordinance; they meet the standards in §§ 71-12 and 71-13; and all permits or certificates have been issued according to §§ 71-25 and 71-26:

A. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

B. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

C. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of § 71-12D.

D. Uses or structures accessory to open space uses, or classified as historic structures that comply with §§ 71-12 and 71-13.

E. Extraction of sand, gravel or other materials that comply with § 71-12D.

F. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.

G. Public utilities, streets and bridges that comply with § 71-12C.

§ 71-12. Standards for developments in floodway areas.

A. General.

(1) Any development in floodway areas shall comply with Article II and have a low flood-damage potential.

(2) Applicants shall provide the following data to determine the effects of the proposal according to § 71-6:

(a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

(b) An analysis calculating the effects of this proposal on regional flood height.

(3) The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection A(2) above.

B. Structures. Structures accessory to permanent open space uses, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(1) The structure is not designed for human habitation and does not have a high flood-damage potential;

(2) It must be anchored to resist floatation, collapse and lateral movement;

(3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(4) It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

C. Public utilities, streets and bridges may be allowed by permit, if:

(1) Adequate floodproofing measures are provided to the flood protection elevation; and

(2) Construction meets the development standards of § 71-6.

D. Fills or deposition of materials may be allowed by permit, if:

(1) The requirements of § 71-6 are met;

(2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344 has been issued, if applicable, and the other requirements of this section are met;

(3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(4) The fill is not classified as a solid or hazardous waste material.

§ 71-13. Prohibited uses.

All uses not listed as permitted uses in § 71-11 are prohibited, including the following uses:

A. Habitable structures, structures with high flood-damage potential, or those not associated with permanent open space uses.

B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.

C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts.

D. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. Comm 83, Wis. Adm. Code.

E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.

F. Any solid or hazardous waste disposal sites.

G. Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code.

H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE IV
Flood-Fringe District (FF)

§ 71-14. Applicability.

This section applies to all flood-fringe areas shown on the floodplain zoning maps and those identified pursuant to § 71-20.

§ 71-15. Permitted uses.

Any structure, land use, or development is allowed in the Flood-Fringe District if the standards in § 71-16 are met, the use is not prohibited by this chapter or any other ordinance or regulation and all permits or certificates specified in §§ 71-25 and 71-26 have been issued.

§ 71-16. Standards for development in flood-fringe areas.

All of the provisions of § 71-6 shall apply. In addition, the following requirements shall apply according to the use requested:

A. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood-fringe area, shall meet or exceed the following standards:

(1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Adjustment/Appeals grants a variance.

(2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.

(3) Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection A(4).

(4) In developments where existing street or sewer line elevations make compliance with Subsection A(3) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

(a) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

(b) The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

B. Accessory structures or uses.

(1) Except as provided for in Subsection B(2), an accessory structure which is not connected to a principal structure shall be constructed with its lowest floor at or above the regional flood elevation.

(2) An accessory structure which is not connected to a principal structure and which is less than 600 square feet in size and is valued at less than $10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and shall meet all the provisions of § 71-12B (1), (2), (3) and (4) and Subsection E below.

C. Commercial uses. Any commercial structure which is erected, altered or moved into the flood-fringe area shall meet the requirements of § 71-16A. Subject to the requirements of Subsection E, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

D. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the flood-fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in § 71-30. Subject to the requirements of Subsection E, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

E. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with § 71-30. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

F. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:

(1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with § 71-30 to the flood protection elevation.

(2) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

G. Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to § 71-30, to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. Comm 83, Wis. Adm. Code.

H. Wells. All wells shall be floodproofed, pursuant to § 71-30, to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in flood-fringe areas.

J. Deposition of materials. Any deposited material must meet all the provisions of this chapter.

K. Manufactured homes.

(1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval of and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

(a) Have the lowest floor elevated to the flood protection elevation; and

(b) Be anchored so they do not float, collapse or move laterally during a flood.

(3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood-fringe in § 71-16A.

L. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in § 71-16K(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

ARTICLE V
General Floodplain District (GFP)

§ 71-17. Applicability.

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and Flood-Fringe Districts shall be delineated when adequate data is available.

§ 71-18. Permitted uses.

Pursuant to § 71-20, it shall be determined whether the proposed use is located within a floodway or flood-fringe area. Those uses permitted in floodway (§ 71-11) and flood-fringe areas (§ 71-15) are allowed within the General Floodplain District, according to the standards of § 71-19, provided that all permits or certificates required under §§ 71-25 and 71-26 have been issued.

§ 71-19. Standards for development.

Article III applies to floodway areas, Article IV applies to flood-fringe areas. The rest of this chapter applies to either district.

§ 71-20. Determining floodway and flood-fringe limits.

Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:

A. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;

B. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

(1) A typical valley cross section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information.

(2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.

(3) Profile showing the slope of the bottom of the channel or flow line of the stream.

(4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

C. Transmit one copy of the information described in Subsections A and B to the Department regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of § 71-26A(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

ARTICLE VI
Nonconforming Uses

§ 71-21. Applicability; conditions for continuance.

A. Applicability. If these standards conform to § 59.69(10), Wis. Stats., for counties or § 62.23(7)(h), Wis. Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.

B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

(1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

(2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the

property, and any structure or building thereon, shall conform to the applicable requirements of this chapter.

(3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

(4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 71-16A.

(5) Destruction or damage of structures.

(a) Except as provided in Subsection B(5)(b), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meets the ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(b) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

(6) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with § 71-12A, flood-resistant materials are used, and construction practices and floodproofing methods that comply with § 71-30 are used.

§ 71-22. Floodway areas.

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

(1) Has been granted a permit or variance which meets all ordinance requirements;

(2) Meets the requirements of § 71-21;

(3) Will not increase the obstruction to flood flows or regional flood height; and

(4) Any addition to the existing structure shall be floodproofed, pursuant to § 71-30; by means other than the use of fill, to the flood protection elevation.

(5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

(a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

(b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

(c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(d) The use must be limited to parking or limited storage.

B. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. Comm 83, Wis. Adm. Code.

C. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.

§ 71-23. Flood-fringe areas.

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in § 71-16, except where § 71-23B is applicable.

B. Where compliance with the provisions of Subsection A would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood-damage potential, the Board of Adjustment/Appeals, using the procedures established in § 71-28, may grant a variance from those provisions of Subsection A for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

(1) No floor is allowed below the regional flood elevation for residential or commercial structures;

(2) Human lives are not endangered;

(3) Public facilities, such as water or sewer, will not be installed;

(4) Flood depths will not exceed two feet;

(5) Flood velocities will not exceed two feet per second; and

(6) The structure will not be used for storage of materials as described in § 71-16E.

C. If neither the provisions of Subsection A nor B above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood-fringe, if the addition:

(1) Meets all other regulations and will be granted by permit or variance;

(2) Does not exceed 60 square feet in area; and

(3) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.

D. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Ch. Comm 83, Wis. Adm. Code.

E. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and Chs. NR 811 and NR 812, Wis. Adm. Code.

ARTICLE VII
Administration

§ 71-24. Previously appointed officials.

Where a Zoning Administrator, planning agency or a Board of Adjustment/Appeals has already been appointed to administer a zoning ordinance adopted under § 59.69, 59.692 or 62.23(7), Wis Stats., these officials shall also administer this chapter.

§ 71-25. Zoning Administrator.

The Zoning Administrator is authorized to administer this chapter and shall have the following duties and powers:

A. Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

B. Issue permits and inspect properties for compliance with provisions of this chapter and issue certificates of compliance where appropriate.

C. Keep records of all official actions, such as:

(1) All permits issued, inspections made, and work approved.

(2) Documentation of certified lowest floor and regional flood elevations for floodplain development.

(3) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

(4) All substantial damage assessment reports for floodplain structures.

D. Submit copies of the following items to the Department regional office:

(1) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

(2) Copies of any case-by-case analyses, and any other information required by the Department, including an annual summary of the number and types of floodplain zoning actions taken.

(3) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

E. Investigate, prepare reports, and report violations of this chapter to the municipal zoning agency and Attorney for prosecution. Copies of the reports shall also be sent to the Department regional office.

F. Submit copies of text and map amendments and biennial reports to the FEMA regional office.

§ 71-26. Land use permit; certificate of compliance; other permits.

A. Land use permit. A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

(1) General information:

(a) Name and address of the applicant, property owner and contractor.

(b) Legal description, proposed use, and whether it is new construction or a modification.

(2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

(a) Location, dimensions, area and elevation of the lot;

(b) Location of the ordinary high-water mark of any abutting navigable waterways;

(c) Location of any structures with distances measured from the lot lines and street center lines;

(d) Location of any existing or proposed on-site sewage systems or private water supply systems;

(e) Location and elevation of existing or future access roads;

(f) Location of floodplain and floodway limits as determined from the official Floodplain Zoning Maps;

(g) The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

(h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Article III or Article IV are met; and

(i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § 71-6. This may include any of the information noted in § 71-12A.

(3) Data requirements to analyze developments.

(a) The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in § 236, Wis. Stats., and other proposed developments exceeding five acres in area or where the estimated cost exceeds $125,000. The applicant shall provide:

[1] An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

[2] A map showing location and details of vehicular access to lands outside the floodplain; and

[3] A surface drainage plan showing how flood damage will be minimized.

(b) The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(4) Expiration. All permits issued under the authority of this chapter shall expire 180 days after issuance.

B. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter.

(2) Application for such certificate shall be concurrent with the application for a permit.

(3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.

(4) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of § 71-30.

C. Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

§ 71-27. Zoning agency.

A. The Holmen Planning Commission shall:

(1) Oversee the functions of the office of the Zoning Administrator; and

(2) Review and advise the governing body on all proposed amendments to this chapter, maps and text.

B. This zoning agency shall not:

(1) Grant variances to the terms of the chapter in place of action by the Board of Appeals; or

(2) Amend the text or zoning maps in place of official action by the governing body.

§ 71-28. Board of Adjustment/Appeals.

The Board of Appeals, created under § 59.694, Wis. Stats., for counties or § 62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this chapter. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the Secretary of the Board.

A. Powers and duties. The Board of Appeals shall:

(1) Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.

(2) Boundary disputes: hear and decide disputes concerning the district boundaries shown on the official Floodplain Zoning Map.

(3) Variances: hear and decide, upon appeal, variances from the chapter standards.

B. Appeals to the Board.

(1) Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected, by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

(2) Notice and hearing for appeals including variances.

(a) Notice. The Board shall:

[1] Fix a reasonable time for the hearing.

[2] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing.

[3] Assure that notice shall be mailed to the parties in interest and the Department regional office at least 10 days in advance of the hearing.

(b) Hearing. Any party may appear in person or by agent or attorney. The Board shall:

[1] Resolve boundary disputes according to § 71-28C.

[2] Decide variance applications according to § 71-28D.

[3] Decide appeals of permit denials according to § 71-29.

(3) Decision. The final decision regarding the appeal or variance application shall:

(a) Be made within a reasonable time.

(b) Be sent to the Department regional office within 10 days of the decision.

(c) Be a written determination signed by the Chairman or Secretary of the Board.

(d) State the specific facts which are the basis for the Board's decision.

(e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application.

(f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

C. Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

(1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

(2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

(3) If the boundary is incorrectly mapped, the Board should inform the Zoning Committee or the person contesting the boundary location to petition the governing body for a map amendment according to Article VIII.

D. Variance.

(1) The Board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:

(a) Literal enforcement of the chapter provisions will cause unnecessary hardship;

(b) The hardship is due to adoption of the Floodplain Ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

(c) The variance is not contrary to the public interest; and

(d) The variance is consistent with the purpose of this chapter in § 71-3.

(2) In addition to the criteria in Subsection D(1), to qualify for a variance under FEMA regulations, the following criteria must be met:

(a) The variance may not cause any increase in the regional flood elevation.

(b) Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE.

(c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the chapter.

(3) A variance shall not:

(a) Grant, extend or increase any use prohibited in the zoning district.

(b) Be granted for a hardship based solely on an economic gain or loss.

(c) Be granted for a hardship which is self-created.

(d) Damage the rights or property values of other persons in the area.

(e) Allow actions without the amendments to this chapter or map(s) required in Article VIII.

(f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

§ 71-29. Review of appeals of permit denials.

A. The zoning agency (§ 71-27) or Board shall review all data related to the appeal. This may include:

(1) Permit application data listed in § 71-26A.

(2) Floodway/flood-fringe determination data in § 71-20.

(3) Data listed in § 71-12A(2)(b), where the applicant has not submitted this information to the Zoning Administrator.

(4) Other data submitted with the application, or submitted to the Board with the appeal.

B. For appeals of all denied permits, the Board shall:

(1) Follow the procedures of § 71-28.

(2) Consider zoning agency recommendations; and

(3) Either uphold the denial or grant the appeal.

C. For appeals concerning increases in regional flood elevation, the Board shall:

(1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

(2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot, provided no other reasons for denial exist.

§ 71-30. Floodproofing.

A. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

B. Floodproofing measures shall be designed to:

(1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(2) Protect structures to the flood protection elevation;

(3) Anchor structures to foundations to resist flotation and lateral movement; and

(4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

C. Floodproofing measures could include:

(1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.

(2) Adding mass or weight to prevent flotation.

(3) Placing essential utilities above the flood protection elevation.

(4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

(5) Constructing water supply wells and waste treatment systems to prevent the entry of floodwaters.

(6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

§ 71-31. Public information.

A. Place marks on structures to show the depth of inundation during the regional flood.

B. All maps, engineering data and regulations shall be available and widely distributed.

C. All real estate transfers should show what floodplain zoning district any real property is in.

ARTICLE VIII
Amendments

§ 71-32. Actions requiring amendment.

The governing body may change or supplement the floodplain zoning district boundaries and this chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

A. Any change to the official Floodplain Zoning Map, including the floodway line or boundary of any floodplain area.

B. Correction of discrepancies between the water surface profiles and floodplain zoning maps.

C. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

D. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

E. Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.

F. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood-fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA. Note: Consult the FEMA website, www.fema.gov., for a current map change fee schedule.

§ 71-33. Procedures.

Ordinance amendments may be made upon petition of any interested party according to the provisions of § 62.23, Wis. Stats., for cities and villages, or § 59.69, Wis. Stats., for counties. Such petitions shall include all necessary data required by §§ 71-20 and 71-26A.

A. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats., for cities and villages or § 59-69, Wis. Stats., for counties.

B. No amendments shall become effective until reviewed and approved by the Department.

C. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

D. For amendments in areas with no water surface profiles, the zoning agency or Board shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information. (See § 71-5D.)

ARTICLE IX
Enforcement and Penalties

§ 71-34. Violations and penalties.

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the Municipal Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than $50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be

enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

ARTICLE X
Definitions

§ 71-35. Word usage; terms defined.

A. Unless specifically defined below, words and phrases used in this chapter shall have the same meanings as they have at common law and to give this chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE OR USE — A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

A ZONES — Those areas shown on the official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT — Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

BUILDING — See "structure."

BULKHEAD LINE — A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

CAMPGROUND — Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT — Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.

CERTIFICATE OF COMPLIANCE — A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.

CHANNEL — A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

CRAWLWAYS or CRAWL SPACE — An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

DECK — An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT — The Wisconsin Department of Natural Resources.

DEVELOPMENT — Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

DRYLAND ACCESS — A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

ENCROACHMENT — Any fill, structure, equipment, building, use or development in the floodway.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency that administers the National Flood Insurance Program.

FLOOD FREQUENCY — The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

FLOOD-FRINGE — That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

FLOOD HAZARD BOUNDARY MAP — A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE RATE MAP (FIRM) — A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD INSURANCE STUDY — A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

(1) The overflow or rise of inland waters;

(2) The rapid accumulation or runoff of surface waters from any source;

(3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or

(4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOODPLAIN — Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood-fringe, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND — A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT — Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOOD PROFILE — A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOODPROOFING — Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOOD PROTECTION ELEVATION — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "freeboard.")

FLOOD STORAGE — Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

FLOODWAY — The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FREEBOARD — A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

HABITABLE STRUCTURE — Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE — Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

HIGH FLOOD-DAMAGE POTENTIAL — Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HISTORIC STRUCTURE — Any structure that is either:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT — A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

LAND USE — Any nonstructural use made of unimproved or improved real estate. (Also see "development.")

MANUFACTURED HOME — A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a mobile recreational vehicle.

MOBILE RECREATIONAL VEHICLE — A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles".

MUNICIPALITY OR MUNICIPAL — The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NAVD or NORTH AMERICAN VERTICAL DATUM — Elevations referenced to mean sea level datum, 1988 adjustment.

NEW CONSTRUCTION — For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NGVD or NATIONAL GEODETIC VERTICAL DATUM — Elevations referenced to mean sea level datum, 1929 adjustment.

NONCONFORMING STRUCTURE — An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the Flood-Fringe District is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE — An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies (such as a residence in the floodway).

OBSTRUCTION TO FLOW — Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP — That map, adopted and made part of this chapter, as described in § 71-5B, which has been approved by the Department and FEMA.

OPEN SPACE USE — Those uses having a relatively low flood-damage potential and not involving structures.

ORDINARY HIGH-WATER MARK — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PERSON — An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PRIVATE SEWAGE SYSTEM — A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PUBLIC UTILITIES — Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems, such as water, sanitary sewer and storm sewer.

REASONABLY SAFE FROM FLOODING — Base floodwaters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD — A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one-percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or

sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

UNNECESSARY HARDSHIP — Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the chapter.

VARIANCE — An authorization by the Board of Adjustment or Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the Floodplain Zoning Ordinance.

VIOLATION — The failure of a structure or other development to be fully compliant with the Floodplain Zoning Ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATERSHED — The entire region contributing runoff or surface water to a watercourse or body of water.

WATER SURFACE PROFILE — A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WELL — An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Chapter 76

IMPACT FEES

§ 76-1. Purpose; intent.
§ 76-2. Statutory authority.
§ 76-3. Applicability.
§ 76-4. Definitions.
§ 76-5. Public facilities needs assessment.
§ 76-6. Fees found to be reasonable and in compliance.
§ 76-7. Reduction of or exemption from fees.
§ 76-8. Imposition of fees.
§ 76-9. Use of funds.
§ 76-10. Payment and collection of fees.
§ 76-11. Administration of fees.
§ 76-12. Impact fee schedules.
§ 76-13. Time limit for use.
§ 76-14. Appeals.
§ 76-15. Effect on other regulations.
§ 76-16. Fees requirement in addition to other requirements.
§ 76-17. Amendments.
§ 76-18. Construal of provisions; severability.

[HISTORY: Adopted by the Village Board of the Village of Holmen 8-12-2006 by Ord. No. 4.06. Amendments noted where applicable.]

GENERAL REFERENCES

Assessments — See Ch. 18.
Building construction — See Ch. 29.
Floodplain zoning — See Ch. 71.
Land division — See Ch. 90.
Streets and sidewalks — See Ch. 159.
Zoning — See Ch. 195.

§ 76-1. Purpose; intent.

A. The purpose of this chapter is to promote the public health, safety and general welfare of the community and to facilitate the adequate provision of parks, playgrounds and other recreational facilities; storm and surface water collection and treatment facilities; water pumping, storage and distribution facilities; fire, police and emergency medical facilities; highways and transportation facilities; traffic control facilities; library facilities; sewage collection and treatment facilities; and solid waste and recycling facilities by imposing impact fees upon developers to pay for the capital costs of public facilities that are necessary to accommodate land development.

B. This chapter is intended to impose impact fees in order to finance public utilities and facilities, the demand for which is generated by new residential development. The Village is responsible for and will meet, through the use of general Village revenues, all capital improvement needs associated with existing development. Only needs created by new development will be met by impact fees. Impact fees shall be spent on new or enlarged capital facilities improvements required by new developments that pay the fees.

§ 76-2. Statutory authority.

Authority for this section is provided by § 66.0617, Wis. Stats. The provisions of this section shall not be construed to limit the power of the Village to adopt any ordinance, other impact fee or other fee pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in lieu of or in conjunction with this section.

§ 76-3. Applicability.

This section shall be uniformly applicable to all new development that occurs within the Village of Holmen.

§ 76-4. Definitions.

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

BUILDING PERMIT — The permit required for new construction and additions pursuant to the Village of Holmen Municipal Code. The term "building permit," as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the number of dwelling units resulting therefrom.

CAPITAL COSTS — The capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the Village demonstrated that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

CAPITAL IMPROVEMENTS — Public facilities that are treated as capitalized expenses according to generally accepted accounting principles and does not include costs associated with the operation, administration, maintenance or replacement of capital improvements, nor does it include administrative facilities.

DEVELOPER — A person, party, firm, corporation or other legal entity that constructs or creates a land development.

DEVELOPMENT — Any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.

DWELLING UNIT — One or more rooms designed as a residential occupancy area by not more than one family or group for living and sleeping purposes.

IMPACT FEE — Any charge, fee, or assessment levied pursuant to this chapter when any portion of the revenues collected is intended to fund any portion of the capital costs of public facilities or capital improvements identified in this chapter and/or the public facilities needs assessment.

LAND DEVELOPMENT — The construction or modification of improvements to real property that creates additional residential dwelling units within the Village or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village.

NEEDS ASSESSMENT — The assessment of needs required to identify public facility costs for the purpose of calculating impact fees as defined by § 66.0617, Wis. Stats.

PUBLIC FACILITIES — Highways, as defined in § 340.01(22), Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and other recreational facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public facilities" does not include facilities owned by a school district.

SERVICE STANDARD — A certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure as specified by the Village Board.

SITE — The land on which development takes place.

SUBDIVISION — A plat, certified survey map, or other method used to divide a parcel of property into two or more separate parcels or lots.

VILLAGE — The Village of Holmen, Wisconsin.

ZONING DISTRICTS — Those areas designated in the Zoning Ordinance as being reserved for specific land uses, subject to development and use regulations specified in the ordinance.

ZONING ORDINANCE — The official adopted Zoning Map and text regulating all development and land use in the Village of Holmen.

§ 76-5. Public facilities needs assessment. [Amended 12-8-2016 by Ord. No. 10-2016]

The basis for the imposition of impact fees is the Public Facilities Needs Assessment prepared by MSA Professional Services, Inc., in October/November of 2016, which is on file in the office of the Village Clerk and available for inspection and/or copying in accordance with the State Public Records and Property Law, Subchapter II of Chapter 19, Wisconsin Statutes. The public facilities need assessment includes:

A. An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities for which an impact fee is imposed.

B. An identification of the new public facilities, or improvements or expansions of existing public facilities that will be required because of land development for which an impact fee is imposed.

C. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities, including an estimate of the effect of recovering these capital costs through impact fees on the availability of affordable housing within the Village.

§ 76-6. Fees found to be reasonable and in compliance.

Impact fees imposed by this chapter are found by the Village Board of the Village to be reasonable and in compliance with § 66.55, Wis. Stats.,[1] in that they:

A. Bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.

B. Do not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the Village.

C. Are based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

D. Do not prohibit or deter the construction of affordable housing within the Village.

§ 76-7. Reduction of or exemption from fees.

A. Impact fees imposed by this chapter shall be reduced to the extent necessary:

(1) To compensate for other capital costs imposed by the Village with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under Chapter 236, Wisconsin Statutes, or any other items of value.

(2) To compensate for monies received from federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

B. The Village Board may, in its discretion, provide for an exemption from, or a reduction in the amount of impact fees imposed on a developer that provides low-cost housing in accordance with guidelines established by the Village Board, except no amount of any impact fee for which an exemption or reduction is provided under this section may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the Village.

C. New development in a tax incremental financing district, whether such district is now existing or created in the future, may be exempted from the imposition of impact fees for

1. **Editor's Note: Section 66.55, Wis. Stats., was renumbered § 66.0617 by 1999 Act 150, § 524, effective 1-1-2001.**

the reason that the Village desires to offer developers an incentive to create projects which will improve blighted neighborhoods and/or create opportunities for employment.

§ 76-8. Imposition of fees.

Impact fees shall be imposed by the Village Board on any land division, planned development, conditional use permit, site plan review or building permit for new construction on vacant land, the construction of additional buildings on developed land, and the expansion of existing buildings, at the time any approval or permit is granted which is located in an area on which an impact fee has been imposed. Notwithstanding the above, nothing herein required shall provide for the payment of duplicate impact fees under circumstances where a land development is the subject of more than one approval or permit.

§ 76-9. Use of funds.

A. Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that may become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for the projects, to reimburse the Village or utility for advances of other funds or reserves, and such other purposes consistent with § 66.0617, Wis. Stats., which are recorded and approved by the Village Board.

B. The Village may issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law in furtherance of the provision of capital improvement projects. Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include impact fees and other Village revenues as may be allowed by the Village Board. Impact fees paid pursuant to this chapter, however, shall be restricted to use solely and exclusively for financing directly or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of capital improvements as specified herein.

C. These impact fees shall be collected until the capital costs associated with the projects specified in the Public Facilities Needs Assessment Report, as amended from time to time, have been incurred and satisfied. Said impact fees shall be used within the time periods specified in §§ 76-10C and 76-13 of this chapter. **[Amended 12-8-2016 by Ord. No. 10-2016]**

§ 76-10. Payment and collection of fees.

A. Payment of fee. A developer shall pay an impact fee for any new development (as distinguished from any alteration or addition to existing development) in full, to the Village Clerk or Treasurer, where applicable, as follows:

(1) With respect to a land division, within the time provided in a subdividers agreement.

(2) With respect to conditional use permits, as provided in the permit.

(3) With respect to site plan review, prior to obtaining a building permit.

(4) With respect to a building permit, prior to issuance of the permit.

B. Separate fund account required. Revenues collected as impact fees shall be placed by the Village of Holmen Treasurer in segregated interest-bearing accounts and shall be accounted for separately from other funds of the Village of Holmen. Impact fee revenues and interest earned on impact fee revenues may be expended by the Village of Holmen only for the capital costs for which the impact fees were imposed and shall be expended on a first-in first-out basis.

C. Refund. Impact fees that are collected by the Village within seven years of the effective date of this chapter, for any facility described in the needs assessment, but are not expended or encumbered by the end of the calendar quarter immediately following 10 years after the effective date of this chapter, shall be returned to such landowner along with any interest that has accumulated in accordance with § 66.0617(9)(a), Wis. Stats. **[Amended 12-8-2016 by Ord. No. 10-2016]**

§ 76-11. Administration of fees.

A. Upon receipt of impact fees, the Village Clerk, Treasurer or the utility manager, as applicable, shall be responsible for the placement of such funds into separate accounts as hereinafter specified. All such funds shall be deposited in interest-bearing accounts in a bank authorized to receive deposits of Village or utility funds, as applicable. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.

B. The Village Clerk, Treasurer or utility manager shall maintain and keep accurate financial records for each such account that shall show the source and disbursement of all revenues; that shall account for all monies received; that shall ensure that the disbursement of funds from each account shall be used for projects in the capital improvements program for the particular development subarea or for Village-wide capital improvements, as specified in the program; and that shall provide an annual report for each impact fee account showing the source and amount of all funds collected and the projects that were funded.

C. Review of development potential, capital improvements program and impact fees.

(1) The Village shall annually, in conjunction with the annual capital budget and capital improvements plan adoption processes, review the development potential of the Village and the capital improvements plan and make such modifications as are deemed necessary as a result of:

(a) Development occurring in the prior year.

(b) Capital improvements actually constructed.

(c) Changing facility needs.

(d) Inflation.

(e) Revised cost estimates for capital improvements.

(f) Changes in the availability of other funding sources applicable to public facility projects.

(g) Such other factors as may be relevant.

(2) Modifications of the development potential, the capital improvements program, and the impact fees shall be recommended for adoption prior to December 1 of each year and shall be effective on January 1.

§ 76-12. Impact fee schedules. [Amended 12-8-2016 by Ord. No. 10-2016]

Impact Fee Schedule

Category	Residential Dwelling Unit	Commercial/Industrial Development
Highways and transportation facilities	$413	$400 (per acre or fraction thereof of impervious land area)
Traffic control devices	$0	$0
Sewage collection and treatment facilities	$1,587	Based on meter size
Storm- and surface water collection and treatment facilities	$0	$0
Water pumping, storage and distribution facilities	$877	Based on meter size
Parks and playgrounds	$717	$1,528 (per acre or fraction thereof of impervious land area)
Solid waste and recycling facilities	$0	$0
Fire protection and emergency medical facilities	$0	$0
Law enforcement facilities	$160	$740 (per acre or fraction thereof of impervious land area)
Public library facilities	$295	$0
Total	$4,049	$2,668 (per acre or fraction thereof of impervious land area) + sewage and water based on meter size

Sewage Collection and Treatment Facilities Fee Schedule for Commercial/Industrial Development

Meter Size (inches)	Meter Size Factor	Water Usage (gpd)	Impact Fee Rate	Impact Fee
0.625 and 0.75	1.00	178	$8.915	$1,587
1	1.67	297	$8.915	$2,650
1.5	3.33	593	$8.915	$5,284
2	6.67	1,187	$8.915	$10,584
3	16.00	2,848	$8.915	$25,390
4	28.00	4,984	$8.915	$44,432
6	61.33	10,917	$8.915	$97,323

Water Pumping, Storage and Distribution Facilities Fee Schedule for Commercial/Industrial Development

Meter Size (inches)	Meter Size Factor	Water Usage (gpd)	Impact Fee Rate	Impact Fee
0.625 and 0.75	1.00	178	$4.927	$877
1	1.67	297	$4.927	$1,465
1.5	3.33	593	$4.927	$2,920
2	6.67	1,187	$4.927	$5,850
3	16.00	2,848	$4.927	$14,032
4	28.00	4,984	$4.927	$24,556
6	61.33	10,917	$4.927	$53,787

§ 76-13. Time limit for use. [Amended 12-8-2016 by Ord. No. 10-2016]

With regard to an impact fee that is collected more than seven years after the effective date of this chapter, such impact fees shall be expended or encumbered by the end of the calendar quarter immediately following 10 years after they are collected to pay the capital costs for which they were imposed, or they shall be refunded to the current owner of the property with respect to which the impact fees were imposed, along with any interest that has accumulated in accordance with § 66.0617(9)(d), Wis. Stats.

§ 76-14. Appeals.

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

B. Appeal bond. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the Village Attorney in an amount equal to the impact fee due, as calculated by the Village Clerk or the Clerk's designee, and all other requirements have been satisfied, the plumbing or building permit may be issued or the final plan may be approved. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient surety has been filed.

C. Review by the Village Board.

(1) Within 10 business days of the date of filing of the notice of appeal, the Village Clerk shall forward a copy of the notice of appeal to the appropriate department head. Within 30 business days of receipt, the appropriate department head shall submit a written report and recommendation to the Village Clerk. The Village Clerk shall review this report and make a written recommendation to the Village Board.

(2) Within 45 days of the date of the Village Clerk's written recommendation, the Village Board shall adopt a resolution denying, approving, or approving in part the appeal.

§ 76-15. Effect on other regulations.

This chapter shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the Village which shall be operative and remain in full force and effect without limitation with respect to all such development.

§ 76-16. Fees requirement in addition to other requirements.

The impact fees are additional and supplemental to, and not in substitution of, any other requirements imposed by the Village on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the Comprehensive Plan, the capital improvements plan, and other Village policies, chapters, and resolutions by which the Village seeks to ensure the provision of public facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for capital improvements in an amount in excess of the amount calculated pursuant to this section; provided, however, that a property owner may be required to pay, pursuant to Village ordinances, regulations, or policies, other fees or for other capital improvements in addition to the impact fees for capital improvements as specified in this chapter.

§ 76-17. Amendments.

A. Before enacting an ordinance that amends Chapter 76, the Village Board shall hold a public hearing on the proposed ordinance or amendment.

B. Pursuant to § 66.0617, Wis. Stats., notice of the public hearing referred to in the preceding subsection shall be published as a Class 1 notice under Ch. 985, Wis. Stats.,

and shall specify where a copy of the proposed ordinance or amendment and the public needs assessment may be obtained.

C. Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a needs assessment shall be prepared and made available for public inspection and copying as required by § 66.0617, Wis. Stats.

§ 76-18. Construal of provisions; severability.

A. The provisions of this chapter are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience, and they shall be liberally construed to effectively carry out their purposes.

B. If any subsection, phrase, sentence, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and such holding shall not affect the validity of the remaining portions thereof.

Chapter 78

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

ARTICLE I
Closing Hours for Retailers

§ 78-1. General restrictions.

ARTICLE II
Operator's License

§ 78-2. Operator's license required.
§ 78-3. Procedure upon application.
§ 78-4. Duration.
§ 78-5. Operator's license fee; provisional license.
§ 78-6. Issuance.
§ 78-7. Display of license.
§ 78-8. Revocation of operator's license.

ARTICLE III
Adoption of Statute

§ 78-9. State alcoholic beverage provisions adopted.

ARTICLE IV
Reserve Class B Liquor Licenses

§ 78-10. Reserve Class B Intoxicating Liquor License fee.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Closing Hours for Retailers
[Adopted 4-9-1964]

§ 78-1. General restrictions.

No premises shall be permitted to remain open for the sale or consumption of liquor:

A. If a Retail Class "A" License, between 9:00 p.m. and 6:00 a.m., subject to W.S.A. s. 125.32. **[Amended 10-12-2000 by Ord. No. 1.00; 6-19-2012 by Ord. No. 7-2012]**

B. If a Retail Class "B" License, between 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday, except on January 1 when the premises would not have to close. The sale of carry-out beer or liquor is prohibited between 12:00 midnight and 6:00 a.m. **[Amended 1-14-1988]**

C. Hotels and restaurants whose principal business is furnishing of food or lodging to patrons and bowling alleys shall be permitted to remain open for the conduct of their regular business, but shall not be permitted to sell intoxicating liquor during the hours mentioned in Subsections A and B above.

D. No person shall prevent, resist or interfere with any of the officers or employees of the Village of Holmen in the entering of any premises or the carrying out of their duties.

E. Penalties. Any person violating any provision of this article, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin: **[Amended 10-12-2000 by Ord. No. 1.00]**

(1) Any beer or liquor license issued pursuant to W.S.A. Chapter 125 may be suspended by the Chief of Police without hearing for not more than 30 days.

(2) Any beer or liquor license issued pursuant to W.S.A. Chapter 125 may be suspended for more than 30 days or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.

(3) Any beer or liquor license issued pursuant to W.S.A. Chapter 125 may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.

(4) Upon conviction thereof, shall forfeit $100 and the cost of prosecution.

ARTICLE II
Operator's License
[Adopted 2-13-1992]

§ 78-2. Operator's license required.

There shall be upon the premises operated under a Class "A" or Class "B" intoxicating liquor license or Class "B" fermented malt beverage license at all times the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses unless he shall possess an operator's license or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.

§ 78-3. Procedure upon application. [Amended 9-10-2020 by Ord. No. 5-2020]

The Village Board (or the Village Clerk as the Village Board's designee) may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk only to persons 18 years of age or older. Operator's licenses shall be operative only within the limits of the Village. Operator's licenses shall be granted only to persons of good moral character who shall be citizens of the United States.

§ 78-4. Duration.

Licenses issued under the provision of this article shall be valid for a period of one or two years and shall expire on the 30th day of June. Any license issued hereunder shall commence on July 1 of each year. The fee for a license shall be paid to the Village Treasurer and his receipt therefor filed with the Village Clerk with the application for such license.

§ 78-5. Operator's license fee; provisional license.

A. Fee. The fee for an operator's license shall be as established in the Village of Holmen Fee Schedule, subject to W.S.A. s. 125. **[Amended 6-19-2012 by Ord. No. 7-2012]**

B. Provisional license. The Village Clerk may issue provisional operator's licenses in accordance with Section 125.17(5), Wis. Stats., at a cost as established in the Village of Holmen Fee Schedule, subject to W.S.A. Chapter 125. The provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board or who has had his operator's license revoked or suspended within the preceding 12 months. The Village Clerk shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application. **[Amended 6-19-2012 by Ord. No. 7-2012]**

C. The operator's license fee shall be prorated on a monthly basis for any application made after July 1 in the year of application.

§ 78-6. Issuance. [Amended 9-10-2020 by Ord. No. 5-2020]

After the Village Board (or the Village Clerk as the Village Board's designee) approves the granting of an operator's license, the Village Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

§ 78-7. Display of license.

Each license issued under the provision of this article shall be posted on the premises whenever the operator dispenses beverages or the operator shall have in his possession a wallet license card.

§ 78-8. Revocation of operator's license.

Violations of any of the terms or provision of the state law or of this article relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

ARTICLE III

Adoption of Statute
[Adopted 1-8-1998]

§ 78-9. State alcoholic beverage provisions adopted.

The Village Board of the Village of Holmen, Wisconsin, does amend Ordinance No. 10.07 to include the following Wisconsin Statutes sections adopted by reference: Wisconsin Statutes 125, Alcoholic Beverage.

ARTICLE IV

Reserve Class B Liquor Licenses
[Adopted 4-13-2006 by Ord. No. 3.06]

§ 78-10. Reserve Class B Intoxicating Liquor License fee.

The fee for a reserve Class B intoxicating liquor license as defined by Wis. Stats. 125.51(4)(a)4 shall be $10,000 for initial issuance except that the fee for the initial issuance of a reserve Class B intoxicating liquor license to a bona fide club or lodge situated and incorporated in the state for at least six years is the fee established in subsection (a) for such a club or lodge. The fee established in this subdivision is in addition to any other fee required under this section. The annual fee for renewal of a reserve license is the fee set from time to time by resolution of the Village Board.[1]

1. **Editor's Note: Former § 78-11, Economic development grants, which immediately followed, was repealed 7-9-2021 by Ord. No. 5-2021.**

Chapter 90

LAND DIVISION

§ 90-1. Disclaimer.

§ 90-2. Introduction.

§ 90-3. Definitions.

§ 90-4. General provisions.

§ 90-5. Procedure.

§ 90-6. Preliminary plat.

§ 90-7. Final plat.

§ 90-8. Certified survey map.

§ 90-9. Design standards.

§ 90-10. Required improvements.

§ 90-11. Required improvements procedure.

§ 90-12. Acceptance of improvements.

§ 90-13. Signing of certified survey map or plat.

§ 90-14. Issuance of building permits.

§ 90-15. Fees.

§ 90-16. Review, approval and denial of extraterritorial plats and certified survey maps.

Appendix A, Street Design Standards

[HISTORY: Adopted by the Village Board of the Village of Holmen 1-28-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.
Excavations — See Ch. 58.
Sewers — See Ch. 150.
Streets and sidewalks — See Ch. 159.
Zoning — See Ch. 195.

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§ 90-1. Disclaimer.

A. All persons reviewing the provisions of this chapter should be aware that no land division may be made unless all required approvals have been given.

B. No statement or actions by any official, employee or agent of the Village of Holmen should be construed or taken as a binding act of the village except a resolution, motion or ordinance which has been adopted by the Village of Holmen Village Board at a lawfully conducted Village Board meeting. This includes, but is not limited to, interpretation of this chapter.

C. The Village of Holmen expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the village are in compliance with any ordinances, regulations or rules. The village also assumes no responsibility for the suitability of any property whose subdivision has been approved by the Village Board.

§ 90-2. Introduction.

A. Title. This chapter shall be known as the "Land Division Ordinance of the Village of Holmen" and will be referred to in this chapter as "this chapter" or "this ordinance."

B. Authority. These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin State Statutes.

C. Purpose. The purpose of this chapter is to regulate and control the division of land within the corporate limits of the Village of Holmen in order to promote the public health, safety and general welfare of the community.

D. Intent. The intent of this chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, protecting farming and open spaces, and providing for the most appropriate use of land in the Village of Holmen.

E. Abrogation and greater restrictions. This chapter shall not be construed to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

F. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or La Crosse County Ordinances.

§ 90-3. Definitions.

In this chapter the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

BOARD — The Village Board of the Village of Holmen.

CERTIFIED SURVEY MAP — A map of land division, not a subdivision, prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with the applicable provision of this chapter. A certified survey map has the same legal force and effect as a subdivision map.

CLERK — The Village of Holmen Clerk.

COMPREHENSIVE DEVELOPMENT PLAN — A total site plan of an area of land 80 acres or more in size all under the control of a developer(s) at the time of submission for review. Such a plan shall specify and clearly illustrate the location, relationship, and nature of

all primary and secondary uses, public and private easements, public and private roads, pedestrian paths, utilities and common open space. [1]

COPY — A true and accurate copy of all sheets of the original subdivision plat.

DIVIDE — To convey, record, survey, parcel, split or in any other manner alter an interest in real property so as to cause a parcel of land to be allotted, allocated, severed, split or rendered into smaller parcels of land.

GREENWAY — An open area of land, the primary purpose of which is to carry stormwater on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, stormwater retention basin, park development and other related uses.

LAND DIVISION — A division of a parcel of land which is not a subdivision and which creates less than two lots, parcels or building sites of 38 acres each or less in area, regardless of whether the act of division also creates one or more lots, parcels or building sites on 38 acres or more.

LAND(S) — Any real estate or interest in real estate.

LOT — A land area of 38 acres or less.

MASTER PLAN — A plan for guiding and shaping the growth or development of a community or area which has been adopted by a governmental unit and whose preparation is authorized by Section 59.69, 62.23, 66.945 or 236.46 of Wisconsin Statutes. [2]

OFFICIAL MAP — A map indicating the location, width, extent of the existing and proposed street, highway, parkways, parks and playgrounds as adopted and amended by the Village Board pursuant to Section 62.23(6) of the Wisconsin Statutes. [3]

OUTLOT — A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.

PARCEL — Contiguous lands under the control of a subdivider or subdividers not separated by streets, highway or railroad rights-of-way.

PLANNING COMMISSION — The Village of Holmen Planning Commission.

PLAT — A map of a subdivision prepared in conformity to the requirements of Ch. 236, Wis. Stats.

PRELIMINARY PLAT — A map showing the salient features of a proposed subdivision or land division, as described in § 90-5, submitted to the village for purposes of preliminary consideration, prior to all final plats and, when required, prior to all land divisions.

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

PUBLIC WAY — Any public road, street, highway, walkway, drainageway, or part thereof.

REPLAT — Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but a land division.

RESIDENTIAL DWELLING UNIT — A single-family dwelling or the part of a duplex, apartment, or other multiple-family dwelling occupied by one family.

SHORELAND — Any land lying within 75 feet of the ordinary high-water mark of a navigable waterway.

STREET, ROAD or HIGHWAY — A public way for pedestrian and vehicular traffic whether designated as a street, highway, road, lane, way, avenue or however otherwise designated.

A. ARTERIAL STREETS AND HIGHWAYS — Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity area.

   (1) PRINCIPAL ARTERIALS — Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.

   (2) PRIMARY ARTERIALS — Those streets serving long trips between important cities and the major intracommunity corridors within the metropolitan area. These routes provide for a high degree of mobility under a high degree of access control.

   (3) STANDARD ARTERIALS — Streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas, or feeding traffic to the primary and principal arterials from lower activity area not served by such routes.

B. COLLECTOR STREETS — Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.

   (1) HIGH COLLECTOR STREETS — Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.

   (2) LOW COLLECTOR STREETS — Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.

C. LOCAL STREETS — Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.

D. MARGINAL ACCESS STREETS — Those streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

E. ALLEYS — Streets which provide secondary means of access for vehicular services to the back or side of property otherwise abutting a street.

F. CUL-DE-SAC — Streets closed at one end with turnarounds.

G. DEAD-END STREETS — Streets closed at one end without turnarounds.

STRUCTURE — Anything which has the capacity to contain, be used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.

SUBDIVIDER — Any person, firm, corporation, partnership or other entity which divides or proposes to divide land in any manner which results in a land division or subdivision.

SUBDIVISION — A division of a parcel of land where the act of division creates either:

A. Two or more lots, parcels or building sites of 38 acres each or less in area; or

B. Two or more lots, parcels or building sites of 38 acres each or less in area by successive divisions within a period of five years with the exception if less than five lots, parcels or building sites of 38 acres or less in area are being created adjacent to an existing subdivision they may be divided under certified survey rules.

TREASURER — The Village of Holmen Treasurer.

UTILITY EASEMENT — An easement to place, replace, maintain or move utility facilities.

VILLAGE — The Village of Holmen, La Crosse County, Wisconsin.

WETLAND — Real estate which has been delineated as a wetland by the official wetland boundary maps of La Crosse County or the Wisconsin Department of Natural Resources.

§ 90-4. General provisions.

A. Jurisdiction. These regulations shall apply to all lands and condominium developments within the Village of Holmen. The provisions of this chapter as they apply to division of tracts of land into less than five parcels shall not apply to:

(1) Transfers of interests in land by will or pursuant to court order;

(2) Leases for a term not to exceed 10 years, mortgages or easements;

(3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size as is required by village ordinance, or Chapter 236 of the Wisconsin Statutes or any other applicable laws or ordinances.

B. Compliance. No person, firm, corporation, partnership, or legal entity of any kind shall divide any land located within the Village of Holmen which results in a land division, subdivision, or replat as defined herein, no such land division, subdivision or replat shall be entitled to record, and no street, highway or road shall be laid out or improvements made to land without compliance with all requirements of this chapter and with all of the following:

(1) The provisions of Chapter 236 of the Wisconsin Statutes regarding platting lands;

(2) The rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;

(3) The rules of the Wisconsin Department of Transportation and the La Crosse County Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state or county trunk highway, respectively, or a connecting street, including, but not limited to, minimum width regulations.

(4) All applicable village master plans, as adopted under Section 62.23 of the Wisconsin Statutes, zoning ordinances, official maps, and any other ordinances and regulations.

C. Improvements.

(1) Development agreement. Before any final plat or certified survey map is approved, the subdivider shall enter into a development agreement with the village wherein the subdivider agrees to install all required improvements within 18 months of the date that the plat or certified survey map is recorded. The Village Board may allow phased construction of plats.

(2) Security required. At the time the development agreement is executed, the subdivider shall file a bond, certificate of deposit, irrevocable letter of credit, or certified check, in such form as is acceptable to the Board and approved by the Village Attorney, with the village in an amount equal to 125% of the estimated cost of the required improvements as determined by the Village Engineer. Such deposit shall guarantee that such improvements will be completed according to village specifications by the subdivider or its contractors not later than 18 months from the date that the plat is recorded or, where staging is permitted, that each stage will be completed by the date specified in the installation and completion schedule. Such security shall be held by the village and either released or used in the manner specified in § 90-12. The provision of security by the subdivider shall not release the developer from its obligations under the development agreement nor prejudice the right of the village to recover the full cost of completion of the improvements if the subdivider fails to complete the same.

(3) Governmental units. The State of Wisconsin or La Crosse County may file a resolution duly adopted by such governmental unit agreeing to comply with the provisions of this section.

(4) Construction in phases. The subdivider may elect, with the approval of the Village Board, to install the improvements in phases, provided that:

(a) The phases are specified in the agreement for land division requirements.

(b) Improvements constructed during the first and each subsequent stage of construction shall not have any building permits issued until they have been accepted by the village.

(c) The developer shall record deed restrictions reviewed by the village (or its designated representative) which specify that the lots included in future construction phases shall not be conveyed, transferred or sold unless the village's approval is obtained.

(d) Erosion control plans and measures submitted and approved shall address the erosion problems posed by the construction of the project in phases.

D. Reservation and dedication of land.

(1) Public ways. Whenever a tract of land to be divided or subdivided abuts, includes or is adjacent to all or any part of a street, an arterial street, drainageway or other public way which has been designated in any applicable master plan or official map, said public way or street shall be incorporated into the plat and dedicated to the public or to the village by the subdivider in the locations and dimensions indicated on said plan or map.

(2) Public sites and open spaces.

(a) In designing a land division or subdivision, due consideration shall be given by the developer to the reservation of suitable sites of adequate area for future drainageways, parks, playgrounds, pedestrian and bike paths, and other public purposes. In the location of such facilities, consideration shall be given to the protection and preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, water courses, watersheds, wetlands, wildlife habitat and ravines.

(b) All land divisions and subdivision shall be required to dedicate developable land to the village for park, school or other public uses, other than streets or drainageways, at a rate of 0.04 acres (1,742 square feet) per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Master Plan or Master Plan component of the Village of Holmen is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Village Board, upon the recommendations of the Planning Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(c) Development of parkland. **[Amended 6-9-2005 by Ord. No. 3.05; 11-9-2006 by Ord. No. 8.06]**

[1] When parklands are dedicated, the subdivider is required to:

[a] Properly grade and contour for proper drainage.

[b] Provide surface contour suitable for anticipated use of the area.

[c] Cover areas to be seeded with a minimum of six inches of quality topsoil, seed as specified by the Village Engineer, fertilized with 16-6-6 at a rate of seven pounds per 1,000 square feet and mulched. The topsoil furnished for the park site shall consist of the natural loam, silt loam, silty clay, loam or clay loam humus bearing soils adapted to the substance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that land division unless otherwise authorized by the Village Engineer. The improved area shall not be deemed officially accepted until a uniform grass cover to a two-inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.

[d] Construct sidewalk on all frontage streets of dedicated parkland. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Engineer.[4]

[2] Parks.

[a] A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A neighborhood park area shall be provided by the subdivider with a minimum of one swingset (two regular swings, two infant swings, one handicap swing), one playscape, two slides of various design (may be included with playscape), one shelter (minimum size equal to 825 square feet) construction on concrete pad, one basketball court (minimum size of 40 feet by 40 feet, blacktop surface with markings), including pole, backboard, hoop and net. A tennis court (minimum area of 120 feet by 60 feet), including surface, markings and nets, soccer field (including goals and markers), football field (including goals and markers), baseball field (including bases and backstop) or other park facility or amenity may be required in addition to or substituted for one of the required items above. The Village Board reserves the right to require additional amenities such as electrical service, lighting, water fountains, fencing, bleachers, benches, shade structures or other amenities as it may deem necessary. The Village Board reserves the right to waive any of the parkland development requirements as stated herein, applying the principle of

4. **Editor's Note: See Ch. 159, Streets and Sidewalks.**

proportionality where appropriate. The Village Board reserves the right to approve the design and specifications of all amenities prior to construction.

[b] A community park area shall be provided by the developer with a minimum six-inch water service or at least one fire hydrant and at least one four-inch sanitary sewer lateral, all located at the street property line. A community park area shall be provided by the subdivider with a minimum of one swingset (four regular swings, two infant swings, one handicap swing), two playscapes, two slides of various design (may be included with playscape), one enclosed shelter (minimum size equal to 1,000 square feet) construction on concrete pad, one basketball court (minimum size of 70 feet by 40 feet, blacktop surface with markings), including pole, backboard, hoop and net at each end. A tennis court (minimum area of 120 feet by 60 feet), including surface, markings and nets, soccer field (including goals and markers), football field (including goals and markers), baseball field (including bases and backstop) or other park facility or amenity may be required in addition to the required items above. The Village Board reserves the right to require additional amenities such as electrical service, lighting, water fountains, fencing, bleachers, benches, shade structures or other amenities as it may deem necessary. The Village Board reserves the right to waive any of the parkland development requirements as stated herein, applying the principle of proportionality where appropriate. The Village Board reserves the right to approve the design and specifications of all amenities prior to construction.

[3] The Village Board may require certification of compliance by Village officials. The cost of such report shall be paid by the subdivider.

[4] Development of parkland is to be completed as soon as 20% of the planned lots in the subdivision are sold or developed, as determined by the Village Board.

(d) Upon petition by the subdivider, should Village officials agree that a cash contribution would better serve the public interest, the Board may accept a cash contribution in lieu of parkland dedication in an amount negotiated with subdivider and documented in the subdivider's agreement. The Village Board reserves the right to deny any and all petitions for cash contribution in lieu of parkland dedication. **[Amended 10-9-2003 by Ord. No. 6.03; 11-9-2006 by Ord. No. 8.06]**

(e) The Village shall place any fee collected pursuant to the provisions of this section in a fund which may be used for any park purpose, including land acquisition and development of adequate park, playground, school, recreation and open space to meet the needs created by the land division, subdivision or other development. These funds would not fall under the restrictive provisions that would apply to any impact fees as imposed under Chapter 76,

Impact Fees. **[Amended 10-14-2004 by Ord. No. 7.04; 11-9-2006 by Ord. No. 8.06[5]]**

E. Survey monuments. Before final approval of any plat or certified survey map within the corporate limits of the village, the subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Village Engineer. The Village Board may allow deferral of installation of monuments otherwise required under Section 236.15(1)(b), (c) and (d), for a period not to exceed three years on condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required. **[Amended 10-12-2000 by Ord. No. 1.00]**

F. Land suitability. No land shall be subdivided which is deemed by the Village Board, with the advice of the Planning Commission, to be not readily developable. The Village may determine, subject to the provisions of Ch. 236, that lands should not be platted for the reason that the land is zoned improperly, has unsuitable soils, is located on slopes in excess of 12%, is located in a floodplain, shoreland or wetland, or is proposed to be used in a manner contrary to the land use plan of the Village. It is the intent of the Village that paramount consideration be given to the need to preserve prime agricultural land, particularly land which has been zoned exclusive agricultural. Consideration should also be given to adjacent land uses which will be affected by the proposed plat. **[Amended 11-9-2006 by Ord. No. 8.06]**

G. Violations. It shall be unlawful to build upon, divide, convey, record or monument or extract minerals from any land in violation of this chapter or of the Wisconsin Statutes; and no person, partnership, firm, corporation, or entity of any sort shall be issued a building permit by the Village of Holmen, authorizing the building on, or improvement of, any land division, subdivision or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The village may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes. The village may issue citations for violations of the provisions of this chapter.

H. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than $100 nor more than $1,000 plus all applicable assessments and the costs of prosecution of each violation. Each day a violation exists or continues shall constitute a separate offense.

I. Appeals.

(1) If the Village Planning Commission was acting at the request of the Village Board, the following decisions of the Planning Commission may be appealed to the Village Board:

(a) Rejection of a preliminary plat;

(b) Rejection of a final plat;

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5. Editor's Note: This ordinance amended and combined the provisions of former Subsection D(2)(e) and (f) into this Subsection D(2)(e).

(c) Rejection of a certified survey map;

(d) Requirement of a preliminary plat in connection with a land division;

(e) Determination that land is unsuitable for subdivision.

(2) A written notice of appeal must be filed with the Clerk within 14 calendar days of the date when notice of the action of the Planning Commission appealed from is mailed to the subdivider.

(3) The notice of appeal shall state the action of the Planning Commission appealed from, shall specify the reasons stated by the Planning Commission for taking such actions, shall specify the reasons why the subdivider believes said action was inappropriate, and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.

(4) The Clerk shall file the notice of appeal with the Board and shall schedule the appeal for consideration by the Board at a meeting, open to the public, within 45 days of the filing of the notice of appeal. The Clerk shall send notice of the time scheduled for the consideration of the appeal to the subdivider and to all property owners adjacent to the proposed land division or subdivision at least 10 days prior to the hearing of the appeal.

(5) Within 30 days of the appeal hearing, the Board shall affirm, modify, or reverse the action of the Planning Commission or shall refer the matter back to the Planning Commission for further consideration. Notice of the decision of the Board shall be sent to the subdivider and the Planning Commission.

(6) The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this chapter.

(7) Any person aggrieved by an objection to a plat or a failure to approve a plat may, after review by the Board, appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10 to 15 of the Wisconsin Statutes.

§ 90-5. Procedure.

A. Preapplication. It is recommended that, prior to the filing of an application for the approval of a certified survey map or a preliminary plat, the subdivider consult with the Village Board and Planning Commission to obtain its advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, any applicable master plans and plan implementation devices and to otherwise assist the subdivider in planning the development. No such consultations shall in any manner bind the Village Planning Commission or the Village Board to approve a plat, a subdivision or any other land use control. Further, no subdivider may rely upon or cite any advice or information provided by the Village Planning Commission or Village Board as evidence of the official actions of the village.

B. Preliminary plat review.

(1) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a written application for approval. The preliminary plat shall include the entire area owned or controlled by the subdivider even though only a portion thereof is proposed for development at the time. The plat shall be prepared

in accordance with this chapter and Ch. 236, Wis. Stats. The subdivider shall file 10 copies of the plat and the application with the Clerk at least 21 days prior to the meeting of the Village Planning Commission at which action is desired. The subdivider shall also submit 10 copies of the subdivision check list. The Village Planning Commission may waive the requirement that the preliminary plat include the entire area owned by the developer where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict enforcement of this provision. Where a subdivider has control of lands which are equal to or in excess of 80 acres in area, or are smaller parcels separated only by existing public roads, in lieu of a preliminary plat on the entire area, the developer may elect to submit a comprehensive development plan.

(2) The Clerk shall forward five copies of the preliminary plat to the Village Planning Commission which shall examine it for conformity with all ordinances, administrative rules and regulations and for compliance with any applicable village master plan.

(3) The Village Planning Commission shall recommend approval, conditional approval or rejection of the proposed plat to the Village Board. If approval or conditional approval is recommended, the preliminary plat shall be referred to the Board for consideration. The Village Board shall then approve, conditionally approve, or reject the preliminary plat. One copy of the plat shall be returned to the subdivider, the developer's surveyor, or engineer with the date and action endorsed thereon. If the plat is approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action therein required within 90 days of filing of the preliminary plat constitutes an approval of the preliminary plat.

(4) Approval or conditional approval of a preliminary plat entitles the final plat to approval provided the final plat conforms substantially to the preliminary plat, including any conditions of that approval, and conforms to any applicable village plans and applicable ordinances. If the final plat is not submitted within six months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat regardless of prior action taken on the preliminary plat.

C. Final plat review.

(1) The subdivider shall prepare and file six copies of the final plat together with a written application for approval with the Clerk within six months of the approval of the preliminary plat and at least 14 days prior to the meeting of the Village Board at which action is desired.

(2) The Clerk shall forward two copies of the plat to the Village Board and the Planning Commission. The Village Board and Planning Commission shall examine it for conformity with the preliminary plat and any conditions or approval, with the requirements of this chapter, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be

applicable to it. The Planning Commission shall recommend to the Village Board approval or rejection. The Planning Commission shall list the conditions or requirements of approval or reasons for rejection.

(3) The Village Board shall approve or shall reject the plat. The Village Board shall indicate the reasons for any rejection of the plat. One copy of the plat shall then be returned to the subdivider, the surveyor, or engineer with the date and action endorsed thereon, and if approved or rejected, the conditions or requirements of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action required herein within 60 days of filing the final plat shall constitute an approval of the final plat.

(4) The final plat may, if permitted by the Village Board, include only that portion of the approved preliminary plat which the subdivider proposes to record at this time.

(5) The final plat shall be approved if it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to any applicable village plans and ordinances. If the final plat is not submitted within six months of the last required approval of the preliminary plat, the Planning Commission may reject the final plat regardless of any prior action on the preliminary plat.

(6) After the final plat has been approved by the Board and the contract and security filed in accordance with § 90-4C(2) hereof, the subdivider shall submit the final plat to the Clerk. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed. The plat shall be returned to the subdivider for recording.

(7) The subdivider shall file a certified copy of the final plat with the Clerk within 10 days after it has been recorded.

D. Land division by certified survey.

(1) A certified survey map which has been approved by the Village Planning Commission and the Village Board, and meets all of the requirements of Section 236.34 of the Wisconsin Statutes and of this chapter, may be utilized to create not more than one new parcel or building site. The Village Board may require a preliminary plat to be filed by a subdivider who is seeking approval of a certified survey map. When required, the preliminary plat must include all lands under the control of the applicant within a parcel up to a maximum area of 40 acres. The land included within the 40 acres shall be defined by quarter-quarter section lines unless indicated otherwise. When a preliminary plat is not required, the certified survey map shall include the entire parcel owned by the subdivider. The Board resolution approving the certified survey map shall be reproduced legibly on the face of the certified survey map. All unpaid or outstanding taxes, assessments and special assessments shall be paid prior to the approval unless determined otherwise by the Village Board.

(2) An applicant for a land division shall file 10 copies of the certified survey map and a written application for approval with the Clerk. An applicant shall submit 10

copies of the certified survey checklist. The certified survey map must be prepared in conformance with the requirements of this chapter.

(3) The Village Board shall within 60 days approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this chapter. One copy of the certified survey map shall be returned to the subdivider with the date and action endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action required herein within 60 days of the filing of the map shall constitute an approval of the certified survey map.

(4) After the certified survey map has been approved by the Village Board, the development agreement has been executed and recorded, the security filed in accordance with § 90-4C and any fee imposed pursuant to § 90-4D(2) has been paid, the subdivider shall submit the certified survey map to the Clerk. The Clerk shall cause the certificate inscribed upon the map attesting to such approval to be duly executed. The certified survey map shall be returned to the subdivider for recording.

(5) The subdivider shall record the certified survey map with the Register of Deeds for La Crosse County after it has been approved, and shall file a certified copy of the recorded map with the Clerk within 10 days after the certified survey map is recorded.

§ 90-6. Preliminary plat.

A. General. A preliminary plat shall be required for all subdivisions and shall be based on a survey by a land surveyor registered in this state. The plat map shall be prepared in conformance with the requirements of Ch. 236, Wis. Stats., the La Crosse County Subdivision Ordinance, applicable surveying standards and other applicable legal requirements.

B. Street plans and profiles. The subdivider shall provide road and street plans and profiles showing existing ground surfaces, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall be approved by the Village Board, with the advice of the Village Engineer. Street plans shall conform in all respects to applicable zoning ordinances, the Village Master Plan, and the road standards of the Wisconsin Department of Transportation.

C. Covenants. The Village Board shall require submission of a draft of all prospective covenants which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect proposed development. No covenant may be recorded without the prior approval of the Village Board. Commercial plats shall contain standard drainage, public utility, street maintenance and construction erosion control covenants in a form prescribed by the village.

D. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that he has fully complied with the provisions of this chapter.

§ 90-7. Final plat.

A. General. A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with the requirements of this chapter and Section 236.20 of the Wisconsin Statutes.

B. Information required. The final plat shall show, correctly and on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes and § 90-6 hereof, the following:

(1) All land reserved for future public acquisition or reserved for the common use of property owners within the plat.

(2) Special restrictions required by the Village Board relating to access control along public ways or to the provisions of planting strips.

C. Procedure. If the preliminary plat has been approved or been approved conditionally, the subdivider may submit two copies of the final plat. All improvements required by this chapter shall be made or guaranteed in the manner described in this chapter. If the final plat meets the requirements of this chapter, and has been submitted within six months from the approval date of the preliminary plat and the conditions have been met in the case of preliminary plat given conditional approval, the village shall approve the final plat of the subdivision within 60 days from the date officially submitted to the Village Clerk.

D. Deed restriction. The Village Board shall require that restrictive covenants or deed restrictions be filed with the final plat.

E. Surveying and monuments. All final plats shall meet all the surveying and monuments requirements of Section 236.15 of the Wisconsin Statutes.

F. Certificates. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he/she has fully complied with all the provisions of this chapter.

§ 90-8. Certified survey map.

A. General. A certified survey map prepared by a surveyor registered in this state shall be required for all land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes and this chapter.

B. Information required. A sketch showing the present zoning and any proposed zoning change for the land division and all adjacent lands shall be submitted along with the map. The map itself shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

(1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

(2) All lands reserved for future acquisition.

(3) Date of map.

C. Certificates.

(1) The surveyor shall certify on the face of the map that the surveyor has fully complied with all the provisions of this chapter. The Board shall certify its approval on the face of the map.

(2) A certificate of approval shall be provided legibly on the face of the map.

D. Critical building locations. Any building or structure and its location on the lot shall be dimensioned to the nearest 0.1 foot where the building or structure is to be located within five feet of the proposed property boundaries or the zoning yard requirements, or such other requirement as is consistent with these subdivision regulations.

E. Dedications and improvements required. Any land division effectuated by a certified survey shall be subject to the provisions of § 90-4D concerning the reservation and dedication of land; and, unless a waiver is granted, the provisions of §§ 90-9 and 90-10 concerning required improvements.

§ 90-9. Design standards.

A. Street arrangement. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on any official map, master plan or component neighborhood development plan of the village. In areas for which plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. Each lot of the subdivision or land division shall have access to a public street which is, at a minimum, sufficient to allow ingress and egress of motor vehicles.

(1) Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they connect.

(2) Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.

(3) Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage

systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(4) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds shall be required where the street ends at the boundary of the subdivision. The road right-of-way shall continue to the adjacent lands and connect to roads constructed on such lands if approved by the Village Board.

(5) Arterial and highway protection. Whenever the proposed subdivision contains or is adjacent to a major highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen plantings contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

(6) Reserve strips controlling access to roads or highways are prohibited except where control of such strips is placed with the village under conditions approved by the Village Board.

B. Street names and numbering.

(1) Street names shall be assigned in accordance with the provisions of village ordinances.

(2) The following designations shall be used only in the situations indicated:

(a) Lane: a street, one block long, not ending in a cul-de-sac.

(b) Circle: a cul-de-sac of nine lots or more.

(c) Court: a cul-de-sac of eight lots or less.

C. Limited access highway rights-of-way. Whenever the proposed subdivision or land division contains or is adjacent to a limited access highway the design shall provide the following treatment:

(1) In residential districts a buffer strip at least 30 feet of depth, in addition to the normal lot depth required, shall be provided adjacent to a limited access arterial highway or restricted by the right-of-way plat or County Highway Department. As used in this section, the term "buffer strip" means an area of hedges, trees, tall grasses or other foliage which creates a visual screen between two areas. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."

(2) Commercial and manufacturing districts shall have, on each side of the limited access highway, streets approximately parallel to and at a suitable distance from such highway for the appropriate use of the land between such highway and street, but not less than 150 feet.[4]

(3) Streets parallel to a limited access highway shall, when intersecting a major street or highway which crosses said highway, be located at a minimum distance of 300 feet from said highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients. No local streets intersecting a collector street from opposite direction shall be closer than 300 feet from the right-of-way line.

(4) Location of local streets in residential areas immediately adjacent to arterial streets and highways shall be avoided.

D. Street design standards.

(1) Minimum right-of-way. The minimum right-of-way for all proposed streets and roads shall be 60 feet or such other width as is specified by the Village Master Plan, Official Map, Neighborhood Development Study or Appendix A.[5]

(2) Cul-de-sac streets. Cul-de-sac street ends are prohibited unless authorized by a variance granted by the Village Board. No variance shall be granted unless the Village Board finds, after hearing, that use of cul-de-sac street ends is necessary to overcome limitations imposed by the physical characteristics of the land, so that development may occur which is consistent with the policies stated in this chapter. If the Village Board grants a variance, the cul-de-sac shall conform to the following standards:

(a) Streets designed to have one end permanently closed shall not exceed 600 feet in length.

(b) Streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 110 feet, and a minimum paved diameter of 80 feet. The reverse curve on a cul-de-sac right-of-way shall have a thirty-foot minimum radius when the bulb is centered on the street and sixty-foot minimum radius when the bulb is offset.

(c) In areas zoned B-1, B-2, Manufacturing or other commercial zones, all streets which are designed to have one end permanently closed, shall terminate in a circular turnaround having a minimum right-of-way of 175 feet, and a minimum paved diameter of 120 feet.

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Appendix A is included at the end of this chapter.

(3) Street grades and radii of curvature. Unless necessitated by exceptional topography and subject to the approval of the Village Engineer, the street grades and radii of curvature shall conform to the Design Standard in Appendix A.[6]

E. Blocks.

(1) The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; stormwater management; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.

(2) Blocks in residential areas shall not be less than 500 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting design factors.[7]

(3) Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

F. Lots.

(1) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(2) No lot may have frontage on streets on two parallel sides nor may a lot be platted so that the building will face the reverse side of the lot. The Village Board may grant a variance from this requirement where necessary, the physical characteristics of the land so require in order to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(3) Residential lots to be served by private sewage disposal facilities shall comply with the rules of the Wisconsin Department of Commerce and La Crosse County Sanitary Code.

(4) Lots must front on and have access to a state or county highway or approved village road. Every lot shall front or abut on a public street or road for a distance of at least 60 feet.

(5) Side lot lines shall be substantially at right angles or radial to street lines.

(6) Lots shall follow municipal boundary lines rather than cross them.

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6. Editor's Note: Appendix A is included at the end of this chapter.

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(7) Corner lots shall have sufficient width to permit adequate building setbacks from side streets.

(8) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(9) Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.

(10) Lands lying between the meander line and the water's edge and any otherwise unplantable lands which lie between proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.

G. Easements.

(1) Lines to be underground in newly platted areas.

(a) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all cable television and all other common carrier services installed within a newly platted area shall be underground unless the Village Board shall specifically find after study that:

[1] The placing of such facilities under ground would not be compatible with the planned development;

[2] Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or

[3] The lots to be served by said facilities can be served directly from existing overhead facilities.

(b) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

(2) Easement conditions. The subdivider shall include appropriate easements on the final plat. Easements shall be for the installation of gas, electric and communication lines. Such easements as shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be documented and given to the village.

(3) Drainage easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, an adequate drainageway or easement shall be

provided as required by the Village Board. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Village Board. Parallel streets or parkways may be required in connection therewith. Wherever possible, the stormwater drainage shall be maintained by landscaped open channels or storm sewers of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the Village Engineer and Village Board. Drainage easements shall substantially maintain existing water flow patterns onto neighboring lands.

§ 90-10. Required improvements.

A. Streets and street lights. Standard street improvements including street lights shall be installed in accordance with State of Wisconsin Electric Code.

B. Sidewalks, bike lanes and trails. **[Amended 8-11-2011 by Ord. No. 4.11]**

(1) The subdivider shall pay for the construction of a sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. Sidewalks will be installed within five years after the final plat is approved. The sidewalks shall be constructed when the principal building on the parcel is built, but not to exceed five years after the final plat is approved. Covenants with the subdivision shall include the requirements for the installation of sidewalks. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Engineer.

(2) Wider than standard sidewalks may be required by the Engineer in the vicinity of schools, commercial area and other places of public assemblage; and the Planning Commission may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation.

(3) A multi-use trail may be used in place of a sidewalk if indicated in an adopted master plan or neighborhood development plan.

(4) Bike lanes are required if and as indicated in an adopted master plan or neighborhood development plan.

C. Central sanitary sewage and private sewage disposal systems.

(1) The subdivider shall pay for the construction of sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If central sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems as specified by the village, the Department of Commerce and the County Sanitarian. The sewage disposal systems shall be certified by the County Sanitarian prior to final plat approval. The specified private sewage disposal systems shall include systems utilizing a septic field and may include mound type systems. The Planning Commission shall require the installation of sewer laterals to the street lot line. If, at the time of final

platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall cause to be installed sanitary sewers and sewer lateral to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Engineer.

(2) The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Engineer.

(3) The subdivider shall assume the cost of installing all sanitary sewers eight inches in diameter or less in size. If greater than eight-inch-diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the community or assessed against the total tributary drainage area.

D. Stormwater drainage facilities. The subdivider shall pay for the cost to install stormwater drainage facilities, which may include catch basins and inlets, storm sewers, road ditches and open channels, and the cost to install curbs and gutters, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the developer's engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Board.

E. Central water supply facilities. The subdivider shall pay for the construction of water mains in such a manner as to make adequate water service and fire protection available to each lot within the subdivision. Any additional oversizing required by the village will be borne by the community. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the Village Board and the State Department of Natural Resources and the County Sanitarian. The Planning Commission shall require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Engineer.

F. Other utilities.

(1) The subdivider shall cause gas, electrical power, TV cables and telephone facilities to be installed in such manner as to make adequate service available to each lot in the subdivision. Such electrical or telephone service shall not be located on overhead poles but will be installed underground, unless otherwise authorized by the Village Board pursuant to § 90-9G(1). **[Amended 10-12-2000 by Ord. No. 1.00]**

(2) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the utility company.

G. Storm sewer and stormwater drainage facilities. **[Amended 8-11-2011 by Ord. No. 4.11]**

(1) Storm sewers shall be constructed unless the requirement is waived by the Village Board. The Village Board may waive the requirement only:

(a) If surface stormwater management methods are proposed in a master plan or neighborhood development plan of the Village; or

(b) Upon a showing that the natural drainage pattern of the land being subdivided will be adequate to handle the water flow from the subdivision; and

(c) Upon finding from the Hydraulic and Sedimentation Study for the appropriate watershed that no storm drainage facilities are required.

(2) Ditches or swales shall be constructed whenever storm sewers are not required by the Village Board.

(a) Roadside ditches or swales shall not exceed 12% of grade nor have less than a 1% grade.

(b) Ditches shall be restored with four inches topsoil, fertilizing, seeding and mulching in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation.

(c) Stormwater facilities intended to provide treatment or infiltration, including swales in the street right-of-way, shall be constructed in accordance with the appropriate State of Wisconsin Department of Natural Resources Conservation Practice Standard.

(d) Where ditches or swales are required, streets shall be constructed in accordance with village standard specifications. The thickness of the pavement shall be determined and prescribed by the Village Engineer in accordance with Appendix A.[10] Any soil subgrade data required by the Village Engineer shall be obtained by the developer's soils engineer and furnished to the Village Engineer without cost.

H. Partition fences. When the land included in the plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the Village Board may require the developer to erect, keep and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assignees to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the face of the final plat or certified survey map. **[Amended 10-13-2005 by Ord. No. 7.05]**

I. Driveways.

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10. Editor's Note: Appendix A is included at the end of this chapter.

(1) Approval required. No person shall establish or construct a private driveway, road or other access from a private property line to the traveled portion of any public village road without first filing an application and obtaining a driveway permit from the Village Clerk. In the case of a property fronting on a county or state trunk highway, said permit must be obtained through the La Crosse County Highway Department. All driveways shall be constructed at sidewalk grade.

J. Sign costs. The developer shall be responsible for the initial cost of the street/road name signs and traffic control for new streets. The village will order and install the signs after construction of the subdivision streets. The developer will be billed for the cost and installation. Payment will be required prior to issuing any building permits.

K. Waiver.

(1) Where, in the judgment of the Village Board, it would be inappropriate to apply the provisions of this § 90-10 to a land division because extraordinary or undue hardship resulting from the characteristics of the land would result, the Village Board may waive or modify any requirement, other than requirements of state law or the recording of the certified survey map or plat map, and only to the extent a waiver is found to be just and proper.

(2) The Village Board shall grant such relief only where it will not be detrimental to the public good, impair the intent and purpose of this chapter, or impair the desirable general development of the community in accordance with the master plan.

(3) Any subdivider who requests a waiver of a provision of this § 90-10 shall make a written application for a waiver and file the application with the Village Clerk. The Village Board shall hold a public hearing on the application not less than 40 days after it is filed. The Village Clerk shall mail a notice of the hearing to all adjacent landowners. The waiver application shall state the basis for the application and the specific hardship which is claimed to exist.

(4) Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified its issuance and shall be filed with the Village Clerk.[11]

§ 90-11. Required improvements procedure.

A. Plans and construction specifications. Prior to commencing construction of any required improvement, the subdivider shall prepare construction plans and specifications and submit them to the Village Engineer or designee for review and approval. The Village Engineer may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:

(1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

(2) Stormwater and surface water drainage plans.

(3) Such additional plans or information as may be required by the Village Engineer.

(4) Plans and specification for all utilities and underground facilities.

B. Private contracts. The developer shall engage one general contractor whose qualifications have been approved by the Board for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction.

C. Scheduling. All scheduling of the contemplated improvements shall be approved by the Village Engineer. Construction may not be commenced on any phase of construction

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed with and approved by the Board. Construction shall not proceed until all State of Wisconsin approvals are granted.

D. Street grading.

(1) The developer shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets by the Village Engineer and approval of street grades by the Board, the subdivider shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right-of-way is made a part of the subdivider's plat or abuts the plat, the subdivider shall grade or cause to be graded that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to subgrade elevation. The Village Engineer shall inspect the proposed street before grading and approve all grading within the right-of-way. The street grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat.

(2) The developer shall engage a licensed professional engineer to set subbase grade in accordance with approved center line grade and cross section; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, center line and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

(a) The stripping and removal of all topsoil, debris and vegetation within the street right-of-way.

(b) Grading of full street right-of-way to a tolerance of zero to 0.2 feet below proposed center line grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, vegetation, etc.

(c) Grading beyond right-of-way to ensure that the established grade will be preserved.

(d) Grading of vision triangles on corner lots shall be done such that no embankment within a vision triangle exists at a height greater than two feet above the highest proposed top of curb elevation adjacent to the lot. The limits of vision triangles shall be as established in code § 195-8F(4). Any objects proposed to be located within such vision triangles must conform with the requirements listed in § 195-8F(4). **[Amended 7-13-2006 by Ord. No. 7.06]**

(e) Where the public greenway is included in the plat, the developer is responsible for an acceptable continuous drainageway in the greenway as determined by the Village Engineer.

(f) All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plats public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval. There shall be a plan for disposal of any surplus soil or earth.

E. Utilities.

(1) If the developer elects to install underground utilities and the standard street improvement in the same year, provision must be made for mechanical compaction of all ditches for underground utilities that fall within the street right-of-way.

(2) Prior to commencing construction of any required utilities, the developer shall submit the proposed construction schedule, plans, specifications and contract to the Village Engineer.

F. Greenways. Greenways included within platted or replatted area shall receive the following prescribed treatment by the owner of the subdivision.

(1) The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Village Engineer. The subdivider shall furnish the Village Engineer a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the subdivider shall furnish to the Village Engineer a set of cross-sections (on 50 feet stations) of the greenway oriented upon a base line as prescribed by the Village Engineer. Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the Village Engineer, construction will not be required and the existing natural growth shall be preserved. When such natural growth is not preserved by action of the subdivider or an acting agent, the subdivider shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Village Engineer, where the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the subdivider to the interim minimum requirements of a ten-foot-wide ditch bottom with four to one side slopes, all to be seeded.

(2) The subdivider shall install permanent pipes, culverts or bridge at a grade designated by the Village Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the subdivider. The permanent pipe or culvert shall not be installed prior to the installation of a street crossing a greenway unless done pursuant to written agreement between the Engineer and the subdivider. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the developer at the developer's expense. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Village Engineer.

(3) The Village Engineer shall inspect the property prior to and after the installation of utilities.

(4) All ditching and culvert installation shall be done in strict accordance with grades approved by the Engineer. The subdivider's engineer shall be responsible for setting all required grades in the field for construction purposes.

(5) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four feet above the flowline of the greenway, or where designated to an elevation established by the Engineer, prior to the sale of affected properties. The flowline grade shall be established by the Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Engineer. The Village Engineer shall inspect all work before it is certified as complete.

G. Street construction.

(1) General. After completion of the underground utilities and approval thereof, the streets shall be constructed.

(2) Standard street improvements.

(a) Standard street improvements may include, in the sole discretion of the Village Board, sidewalks, concrete curb and gutter, and street lights and shall include bituminous base course and bituminous surface course.

(b) The developer shall prepare final plans and specifications for the standard street improvements and submit them, together with all soil subgrade data obtained by its soils engineer, to the Village Engineer.

(c) Upon written approval by the Village Engineer, the developer may proceed to construct the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Village Board.

(d) The street/road shall be constructed to village specifications as described in Appendix A.[11]

(3) Inspection of street improvements. The Village Engineer shall inspect all street improvements before the same are accepted by the village.

H. Change orders. When extra work not specified in the contract is required to complete the project, the village will notify the developer or the engineering representative. No extra work shall proceed until the developer or the representative has entered into a written agreement for the additional work.

I. Erosion control. The subdivider shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing and blowing of dirt and debris caused by grading, excavations, open cuts, side slopes, and other activities by the subdivider or the

11. Editor's Note: Appendix A is included at the end of this chapter.

contractors. Reasonable methods of control shall include, but not be limited to, seeding and mulching, sodding, berm construction, pond construction, and watering as prescribed in the Wisconsin Construction Site Best Management Handbook. In such cases where the method of control has failed, the subdivider shall clean up the materials which have been displaced prior to construction of additional improvements. Plans for erosion control shall be submitted to the Village Engineer for review and approval before any land surface disturbances are made.

J. Floodplain/shoreland. All provisions of village ordinances relating to floodplain and shoreland zoning are incorporated herein and adopted by reference.

K. Inspection. Prior to commencing any work within the subdivision, the subdivider shall make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or any release of the securities deposited pursuant to § 90-4C.

§ 90-12. Acceptance of improvements.

After the subdivider has installed all required improvements, the subdivider shall notify the Village Engineer in writing that the work is complete and ready for final inspection. The Village Engineer shall inspect the improvements and forward a letter to the subdivider indicating the Village Engineer's approval or disapproval. When the improvements have been approved by the Village Engineer, the Clerk will prepare a final billing for engineering, inspection and legal fees and submit it to the subdivider for payment. In addition, the subdivider and all general contractors shall file lien waivers or affidavits, in a form acceptable to the village and approved by the Village Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owed to any surveyor, mechanic, subcontractor, material supplier or laborer.

A. Resolution. When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be prepared and presented to the Village Board.

B. Security release. The security furnished pursuant to § 90-4C shall remain in full force for a minimum guarantee period of three years, or for a period as established in the developers agreement, whichever is greater, after the completion of the project and acceptance by the Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Village may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Village shall release the security to the subdivider upon expiration of the guarantee period. **[Amended 7-12-2007 by Ord. No. 5.07]**

§ 90-13. Signing of certified survey map or plat.

After executing the developer's agreement to provide all required improvements, after posting the security required by § 90-4C, after payment of any fee imposed pursuant to § 90-4D(2) and of any area assessments, and after the subdivider has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the subdivider for recording.

§ 90-14. Issuance of building permits.

No building permits shall be issued for erection of a structure on any lot created by a land division or subdivision until all the requirements of this chapter have been met. No construction of any kind may commence until the final plat has been recorded.

§ 90-15. Fees.

A. General. The subdivider shall pay the village all fees as hereinafter required and at the times specified.

B. Preliminary plat and certified survey review fee. **[Amended 1-13-2005 by Ord. No. 9.04]**

(1) The subdivider shall pay a flat fee plus a fee for each lot or parcel within the preliminary plat to the Treasurer at the time the application or reapplication is made for approval of any preliminary plat. The fees imposed shall be set annually by the Village Board.

(2) The subdivider shall pay a flat fee plus a fee for each lot or parcel to the Treasurer at the time the application is made for a certified survey map. The fees imposed shall be set annually by the Village Board.

C. Engineering, inspection and attorney fees.

(1) The subdivider shall pay all engineering, inspection, consulting and legal fees incurred by the village for services performed by or on behalf of the village in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, comprehensive development plan, or contract, with the drafting of legal documents, and with such inspections as the Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the village or any other governmental authority. Consulting, engineering, inspection and legal fees shall be the actual costs to the village on the basis of submitted invoices plus twice (2x) the actual payroll costs for time spent by any employees of the village. Such fees may be billed monthly, or upon completion of the project as determined by the Board.

(2) To guarantee payment of the engineering, inspection and attorneys fees, the subdivider shall deposit the sum of $1,000 with the Village Clerk at the time that the application for approval is first filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat is approved by the Village Board or

30 days after the preliminary plat or final plat is rejected. In the event that the subdivider fails to pay such fees within 14 days of the time when the village submits its bill therefor, the village may deduct the amount of such fees from the security deposit.

§ 90-16. Review, approval and denial of extraterritorial plats and certified survey maps. [Added 2-14-2008 by Ord. No. 2.08]

When it is proposed to divide lands located in the unincorporated area within 1 1/2 miles of the corporate limits of the Village of Holmen, the subdivider shall proceed as specified in § 90-5 through § 90-8 of this chapter, and entirely subject to the following: The Village of Holmen strongly advocates the preservation of agricultural lands, the rural character of large open spaces, natural resource preservation, bluffland preservation and restricted residential development, particularly where municipal sewer and water services are unlikely to be available. Land divisions proposed in the Village's extraterritorial planning area to accommodate new residential, commercial, and other nonagricultural uses, or that have the effect of destroying or limiting the economic viability of agricultural operations are prohibited, as they result in sprawling development patterns in rural spaces and farm areas surrounding the Village in conflict with the Village of Holmen Comprehensive Plan. Such uses unlikely to be served by public sanitary sewer and public water service pose severe restrictions on Village and County efforts to create and plan for orderly development and will contribute to a diminishment of water quality in the region. Exceptions may be considered for remnant lots when created for the benefit of any city, town, village, school district, or any agency or instrumentality of the state, for public use. Conditional exceptions may also be considered when a documented, factual hardship is found to exist for a property owner if a proposed land division were to be denied.

A. Specific criteria for review (approval/denial) of preliminary extraterritorial land divisions, as provided below, must be considered. The proposal may be denied if any of the following result:

(1) Specific criteria –agricultural land division. Does the proposal:

(a) Reduce or diminish the continuation of viable or economically significant agricultural land use of the property?

(b) Adversely impact or create incompatible uses in relation to neighboring farm operations?

(c) Limit views, reduce potential access to natural resources, or in other ways diminish the quality of open space or rural character of the property?

(d) Have the effect of circumventing, restricting or blocking planned land uses or other elements of the Village of Holmen's Comprehensive Plan, including Official Map elements?

(e) While not changing use or zoning, have the effect of undermining the long-term sustainability of existing farm operations?

(2) Specific criteria –single-family non-farm residences. Does the proposal:

(a) Suggest privately sewered residential development on soils that place limitations on basement construction and septic field absorption?

(b) Suggest development on land where the property may be adversely affected by high groundwater or periodic flooding?

(c) Suggest development on land that exceeds 12% slope?

(3) Specific criteria –commercial/industrial. Does the proposal:

(a) Fail to arrange for obtaining the full range of urban services?

> Businesses requiring significant water resources, large septic facilities, or require fire protection supported by a public system with hydrants should be directed to the Village.

(b) Fail to address a broad public interest such as resource conservation or development of transportation-related facilities where there is a demonstrable public benefit or need?

(c) Fail to identify intended development of limited rural businesses that are supportive of agricultural uses?

(4) Specific criteria –mineral extraction. Land division to accommodate mineral extraction within the Village extraterritorial jurisdiction may not be approved unless:

(a) The establishment, maintenance, or operation of the site does not impair the uses, values, and enjoyment of other property in close proximity.

(b) The establishment, maintenance, or operation of the site shall not diminish or endanger public health, safety, comfort or general welfare.

(c) The location of the site shall not impede the normal and orderly development of permitted uses on surrounding property.

(d) The establishment, maintenance, or operation of the site shall not diminish the scenic or environmental value of area blufflands.

(e) A reclamation plan shall be submitted to the Village and approved for the site.

> The Village Plan Commission shall require all requests for review of preliminary extraterritorial land division proposals to meet the pre-application and submittal process requirements as identified in this chapter.

(5) Specific criteria –Village of Holmen Comprehensive Plan. Is the proposal:

(a) Consistent with the Village of Holmen Comprehensive Plan?

B. In the event the provisions of this chapter are in direct conflict with the provisions of the Village of Holmen Comprehensive Plan, the provisions of the Comprehensive Plan shall prevail.

C. Where more than one governing body or other agency has authority to approve or to object to a plat or certified survey map and the requirements of such bodies or agencies are conflicting, the plat or certified survey map shall comply with the most restrictive requirement.

D. Transmittal responsibility. The proposing subdivider shall be responsible for transmitting copies of the plat or map proposing any land division within the Village's extraterritorial plat jurisdiction to the designated planning and reviewing agencies of the affected Town, Village of Holmen and La Crosse County. The subdivider shall confirm in his letter of application to the Village that such transmittals have taken place.

90 Attachment 1

Village of Holmen

Appendix A
Street Design Standards
[Amended 3-10-2016 by Ord. No. 1-2016]

Type of Street	Right-of-Way Width to be Reserved (feet)	Minimum Right-of-Way Width to be Reserved (feet)	Pavement Width to be Constructed (feet)
Urban Cross Sections			
Primary arterial	100	80	53 BC/BC
Standard arterial	80	80	43 BC/BC
High collector	70	70	43 BC/BC
Low collector	66	66	41 BC/BC
Local residential	60	60	37 BC/BC
Local industrial	66	66	43 BC/BC
Alleys	20	20	16
Pedestrian ways	10	10	5
Bicycle ways	10	10	8
Rural Cross Sections			
Primary arterial	150	100	WI DOT standards
High collector	100	100	24 paved, 10 shoulders
Local street	66	66	24 paved, 4 shoulder

All widths are subject to review and approval by the Village Board after recommendations by the Village Planning Commission. The above table is a general guide, final widths are to be approved by the Village Board after detailed engineering studies have been reviewed.

Street Grades. Unless necessitated by exceptional topography, subject to approval of the Village Board after review and recommendation by the Village Planning Commission, the maximum center line grade of any street or public way shall not exceed the following:

1. Arterial streets: 6%.
2. Collector streets: 8%.
3. Local streets, alleys, and frontage streets: 12%.
4. Pedestrian ways: 8% unless steps of accessible design are provided.
5. The grade of any street shall in no case be less than one-half of 1%.

Radii of Curvature. When continuous street center line deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:

1. Arterial streets and highways: Wisconsin Department of Transportation standards.
2. Collector streets: 300 feet.
3. Local streets: 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

Construction Standards.

Local Streets: a minimum of two inches MHA and six inches compacted base course.

Collector Streets: a minimum of 3 1/2 inches HMA and six inches compacted base course.

Curb and Gutter: 30 inches concrete curb and gutter.

Sidewalk: five feet wide and four inches thick concrete sidewalk. The depth shall be six inches thick where crossing driveway. Sidewalk grades shall be set a minimum of 1/2 inch per foot from the top of the curb.

Water main: a minimum of eight inches Class 52 ductile iron water main, with seven-foot cover. One-inch copper lateral.

Sanitary Sewer: a minimum of eight inches SDR 35 PVC sanitary sewer main. Four inches SDR 26 PVC lateral.

Storm Sewer: a minimum of 12 inches reinforced concrete storm sewer.

All specifications are subject to review and approval by the Village Board after recommendations by the Village Planning Commission and Village Engineer. The above standards are a minimum guide - final sizes are to be approved by the Village Board after detailed engineering studies have been reviewed.

Chapter 95

LOITERING

§ 95-1. Vagrancy and loitering prohibited.

§ 95-2. Obstructing streets and sidewalks prohibited.

§ 95-3. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 9-10-1964. Amendments noted where applicable.]

GENERAL REFERENCES

Minors — See Ch. 101. **Peace and good order — See Ch. 127.**

§ 95-1. Vagrancy and loitering prohibited. [Amended 6-10-1993[1]]

A. No person shall loiter or loaf about public buildings, places or premises or wander about the streets, alleys, parks or other public places either by day or night, whose actions give rise to a suspicion of wrongdoing and who is unable to give a satisfactory account of himself, or who, having the physical ability to work, is without any visible means of support and does not seek employment, or who derives part of his support from begging, prostitution, pandering, fortune telling or as a similar impostor.

B. No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

§ 95-2. Obstructing streets and sidewalks prohibited.

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Holmen in such manner as to prevent or hinder, obstruct the free passage of pedestrian or vehicular traffic thereon or to

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

§ 95-3. Violations and penalties.

A. Any person under the age of 18 years violating the provisions of § 95-1 hereof may be referred to the proper juvenile authorities, as provided in Chapter 48 of the Wisconsin Statutes, and in the case of repeated violations by the same person both the person and the parents or legal guardian of such person shall be referred to the juvenile authorities.

B. Any person of 18 years or older violating §§ 95-1 and 95-2 hereof shall forfeit to the Village of Holmen the sum of not less than $50 or more than $500 for the first offense and not less than $100 nor more than $1,000 for a subsequent offense, and the costs of prosecution, and in case of default of payment of such forfeiture and costs, shall be imprisoned in the County jail until payment of such forfeiture and costs of prosecution but not exceeding 30 days for each violation. **[Amended 5-11-2006 by Ord. No. 5.06]**

Chapter 101

MINORS

ARTICLE I
Curfew

§ 101-1. Curfew established.
§ 101-2. Parental responsibility.
§ 101-3. Responsibility of place of amusement.
§ 101-4. Detaining a minor.
§ 101-5. Violations and penalties.

ARTICLE II
Truancy

§ 101-6. Definitions.
§ 101-7. Violations and penalties.

ARTICLE III
Sexting

§ 101-8. Definitions.
§ 101-9. Offense of sexting.
§ 101-10. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Amusement devices — See Ch. 10.
Loitering — See Ch. 95.
Peace and good order — See Ch. 127.

ARTICLE I
Curfew
[Adopted 6-10-1993]

§ 101-1. Curfew established. [Amended 10-12-2000 by Ord. No. 1.00]

No person under 18 years of age shall loiter, idle or remain, and no parent or guardian shall permit their child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the Village of Holmen between the hours of 11:00 p.m. and 4:00 a.m., Sunday through Thursday, and between the hours of 12:00 midnight and 5:00 a.m., Friday and Saturday, (meaning Saturday morning and Sunday morning), unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child. This article shall not be construed to prohibit such child from performing an errand or duty if directed by a parent or guardian or of pursuing the duties of their employment in an expeditious manner or from going to or from places of business or authorized activities such as school, or religious functions, or private homes.

§ 101-2. Parental responsibility.

It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under 18 years of age to allow or permit such person to violate the

provisions of § 101-1 above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of the separate violation of this article occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the Police Department shall not be considered to have allowed or permitted any person under 18 years of age to violate this article.

§ 101-3. Responsibility of place of amusement.

It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under 18 years of age to loiter, loaf or idle in such place during the hours prohibited by this article. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this article shall find persons under 18 years of age loitering, loafing or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Police Department and inform them of the violation.

§ 101-4. Detaining a minor.

Every law enforcement officer is hereby authorized to detain any minor violating the provisions of the above until such time as the parent, guardian or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the minor and shall sign the release for him or her. If no response is received, the police shall take whatever action is deemed necessary in the best interest of the minor.

§ 101-5. Violations and penalties. [Amended 5-11-2006 by Ord. No. 5.06]

A. Any parent, guardian or person having legal custody of a child described in §§ 101-1 through 101-4 who has been warned and who thereafter violates any of the provisions of this article shall, upon conviction thereof, forfeit not less than $50 nor more than $500 for the first offense and not less than $100 nor more than $1,000 for a subsequent offense. After a second violation within a six-month period, if the defendant, in a prosecution under this article, proves that he or she is unable to comply with this article because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats.

B. Any minor person under 18 years of age who shall violate this article shall, upon conviction thereof, forfeit not less than $50 nor more than $500 for the first offense and not less than $100 nor more than $1,000 for a subsequent offense.

ARTICLE II

Truancy
[Adopted 4-14-1994]

§ 101-6. Definitions.

For purposes of this article, the following terms shall have the meanings indicated:

ACCEPTABLE EXCUSE — An acceptable excuse as defined in Section 118.15, Wis. Stats.

HABITUAL TRUANT — A pupil who is absent from school without an acceptable excuse for either of the following:

A. Part or all of five or more days out of 10 consecutive days during which school is held during a school semester.

B. Part or all of the 10 or more days during which school is held during a school semester.

§ 101-7. Violations and penalties.

Upon finding that a student is a habitual truant, the court shall enter an order making one or more of the following dispositions:

A. Suspend the student's operating privilege as defined in Sec. 340.01(40), Wis. Stats., for not less than 30 days nor more than 90 days. (The Judge may also suspend the student's hunting and fishing privileges.) The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

B. Have the student picked up by the law enforcement officials and returned to his or her respective school as allowed in Sec. 48.19(1)(d)(8), Wis. Stats. This can be done by school officials, provided law enforcement officials with an updated list of "habitual truants."

C. Order the student to participate in counseling, community service, or a supervised work program as provided under Sec. 938.34(5g), Wis. Stats. **[Amended 10-12-2000 by Ord. No. 1.00]**

D. Order the student to remain at home except during hours in which the student is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a student to leave his or her home if the student is accompanied by a parent or guardian.

E. Order the student to attend an educational program under Sec. 938.34(7d), Wis. Stats. **[Amended 10-12-2000 by Ord. No. 1.00]**

F. A citation will be given to the student or parent of the student who is taken into custody by law enforcement officials, as provided under Sec. 48.19(1)(d)(8), Wis. Stats.

G. Failure to comply with a court order under this article can be handled with a "contempt of court" charge.

ARTICLE III

Sexting

[Adopted 3-14-2019 by Ord. No. 1-2019[1]]

§ 101-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HARMFUL TO MINORS — Any reproduction, imitation, characterization, description, exhibition, presentation or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

A. Predominately appeals to prurient, shameful, or morbid interest;

B. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and

C. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

MINOR — Any person under the age of 18 years.

NUDITY — The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple. A mother's breastfeeding of her baby does not under any circumstance constitute "nudity," irrespective of whether or not the nipple is covered during or incidental to feeding.

§ 101-9. Offense of sexting.

A minor commits the offense of sexting if he or she knowingly:

A. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined above, and is harmful to minors, as defined above.

B. Possesses a photograph or video of any person that was transmitted or distributed by another person which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this subsection if all of the following apply:

   (1) The minor did not solicit the photograph or video;

   (2) The minor took reasonable steps to report the photograph or video to a school or law enforcement official; and

   (3) The minor did not transmit or distribute the photograph or a video to a third party other than a school or law enforcement official.

1. **Editor's Note: This ordinance was originally adopted as Ch. 128 but was renumbered for organizational purposes.**

C. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it:

(1) Predominately appeals to a prurient, shameful, or morbid interest;

(2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and

(3) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

D. Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this Chapter 101, Article III, of the Municipal Code.

§ 101-10. Violations and penalties.

Any person who violates any provision of this article is subject to a forfeiture of not less than $100 nor more than $500, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid.

Chapter 105

MOBILE HOME PARKS

ARTICLE I
Monthly Parking Fees

§ 105-1. Collection of fees.

§ 105-2. Payment of fees to Treasurer.

ARTICLE II
Adoption of Uniform Building Code

§ 105-3. State provisions adopted.

ARTICLE III
Mobile Homes and Mobile Home Condominiums

§ 105-4. Purpose.

§ 105-5. Wisconsin Uniform Dwelling Code adopted.

§ 105-6. Building Department.

§ 105-7. Building Inspector.

§ 105-8. Building and zoning permit required.

§ 105-9. Building permit and zoning permit fees.

§ 105-10. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Monthly Parking Fees
[Adopted 12-9-1976]

§ 105-1. Collection of fees. [Amended 5-13-2010 by Ord. No. 110]

Each mobile/manufactured home park operator within the Village of Holmen shall be responsible for collecting monthly, from each occupied mobile/manufactured home occupying space or lots within the mobile/manufactured home park, the monthly municipal permit fee assessed against said home by the Village of Holmen as authorized by § 66.0435(3)(c)(b), Wis. Stats.

§ 105-2. Payment of fees to Treasurer.

All amounts collected by each mobile home park operator shall be paid by said mobile home park operator to the Treasurer of the Village of Holmen on or before the 10th day of the month following the month for which such parking permit fee is due.

ARTICLE II

Adoption of Uniform Building Code [Adopted 12-13-2007 by Ord. No. 9.07[1]]

§ 105-3. State provisions adopted.

The Village of Holmen adopts the Wisconsin Uniform Building Code, as amended.

ARTICLE III

Mobile Homes and Mobile Home Condominiums [Adopted 12-13-2007 by Ord. No. 9.07]

§ 105-4. Purpose.

The purpose of this article is:

A. To exercise jurisdiction over the construction, installation and inspection of new and/or used manufactured/mobile homes and mobile home condominiums;

B. To provide plan review and on-site inspections performed by persons or agencies certified by the Department of Commerce;

C. To establish and collect fees to defray costs; and

D. To provide remedies and penalties for violations.

§ 105-5. Wisconsin Uniform Dwelling Code adopted.

Chapter COMM 22, Wisconsin Administrative Code, as adopted and effective December 1, 1978, and Chapters COMM 20, 21, 23, 24 and 25, as adopted and effective June 1, 1980, and all amendments thereto, are adopted and incorporated by reference.

§ 105-6. Building Department.

A. The Building Department of the Village shall be created by the President. The administrative authority shall be a state certified building inspector so designated by the appointing authority subject to confirmation.

B. The appointing authority shall be the President of the Village subject to confirmation by the Board.

§ 105-7. Building Inspector.

There is hereby created the position of Village Building Inspector, who shall administer and enforce this article, and who shall be certified by the Department of Commerce as specified

1. **Editor's Note: This ordinance also repealed former Art. II, Condominium Inspection Fees, adopted 7-13-1983.**

by Wisconsin Statutes Section 101.66(2). This appointment is subject to confirmation by the Board of Trustees.

§ 105-8. Building and zoning permit required.

A. No person shall build, cause to be built or install any manufactured/mobile home or mobile home condominium, regardless of date dwelling was manufactured, without first obtaining a state uniform building permit and Village of Holmen zoning permit for such dwelling. Such building and zoning permits shall be furnished by the Village. A copy of such permits issued shall be filed with the Village Building Department.

B. The provisions of this article shall apply to all manufactured/mobile homes, regardless of date of manufacture, installed on manufactured home community property or private property.

§ 105-9. Building permit and zoning permit fees.

Building permit and zoning permit fees are established from time to time by the Village Board.

§ 105-10. Violations and penalties.

Pursuant to Wisconsin Statutes Sections 101.66 and 101.77, whoever violates this code shall forfeit to the Village not less than $25 nor more than $500 for each violation. Each day that the violation continues, after notice, shall constitute a separate offense. The Village of Holmen Board reserves the right to revoke the conditional use permit for operation of a mobile home park in the Village of Holmen for mobile home park owners and operators who do not comply with the provisions of this article.

Chapter 108

MUNICIPAL COURT, JOINT

§ 108-1. Joint Municipal Court.
§ 108-2. Abrogation.
§ 108-3. Agreement.

[HISTORY: Adopted by the Village Board of the Village of Holmen 11-13-2003 by Ord. No. 8.03. Amendments noted where applicable.]

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§ 108-1. Joint Municipal Court. [Amended 9-12-2019 by Ord. No. 6-2019; 3-11-2021 by Ord. No. 1-2021]

A. Established. Pursuant to Ch. 755, Wis. Stats., there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, Town of Campbell, Town of Shelby, Village of Bangor, Village of Holmen, Village of Rockland and the Village of West Salem (hereinafter referred to individually as "member municipality" and collectively as "member municipalities").

B. Municipal Court Committee. There is hereby created a Municipal Court Committee. The Municipal Court Committee shall be comprised of one representative of each member municipality who shall be appointed by the Mayor, President or Chair of the member municipality, subject to confirmation by the respective governing body, and in addition, one member who shall be a police chief of a member municipality. The Chief's position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Shelby, Bangor, Holmen, and West Salem. In the event a member municipality not listed above has a police chief, they shall be added to the rotation. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative. The term for each municipal member representative, other than Chief, shall be for two years.

C. Creation and qualification of the position of Municipal Judge. Pursuant to Ch. 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge, a person must be a qualified elector of a member municipality.

D. Election and term of Municipal Judge. The position of the Municipal Judge shall be by election. The Municipal Judge shall be elected at large at the spring election, for a four-year term, commencing on May 1 succeeding their election. Electors of the member municipalities shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.

E. Creation of the position of Clerk of the Municipal Court. Pursuant to Ch. 755, Wis. Stats., the office of the Clerk of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska and written appointment by the Municipal Judge. One member of the Joint Municipal Court Committee, selected by the Chair, shall participate in the interviews for the hiring of the Municipal Court Clerk.

Training and compensation of said clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.

F. Salary of Municipal Judge. The municipal judge shall receive a fixed salary and municipal judge's training pursuant to § 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the recommendation of the Municipal Court Committee, subject to § 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the Municipal Judge for any time during their term for which they have not executed and filed the official bond and oath as required by this section.

G. Bond and oath of Municipal Judge. The Municipal Judge shall, after election to fill a vacancy, take and file the official oath as prescribed in § 755.03, Wis. Stats., with the City Clerk of the City of Onalaska. In lieu of an official bond, the member municipalities shall collectively maintain the Municipal Court Judge on a dishonesty insurance policy or other appropriate insurance policy that covers the judge and a copy of the policy shall be provided yearly to the Joint Municipal Court Committee.

H. Oath of Municipal Court Clerk. The Municipal Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in § 19.01 Wis. Stats., with the City Clerk of the City of Onalaska. The City of Onalaska shall provide a copy of the sworn oath to the other member municipalities.

I. Jurisdiction of Municipal Judge. The Municipal Judge shall have jurisdiction as provided in Article VII, §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement and seeking to impose forfeitures for violations of municipal ordinances, resolutions and bylaws.

J. Joint Municipal Court.

(1) Location. The Joint Municipal Court's location shall be the City of Onalaska City Hall. The time(s) of the Municipal Court shall be determined by the Municipal Judge and the Municipal Court Committee.

(2) Vacancies. If the Municipal Judge is temporarily absent, sick or disabled, the provisions of § 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of § 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by § 800.065(3), Wis. Stats.

(3) The Municipal Judge shall satisfy all continuing education requirements for municipal judges.

(4) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of § 800.05, Wis. Stats., shall apply.

(5) The procedures of the Joint Municipal Court shall be in accord with the applicable Wisconsin Statutes, this chapter and the joint municipal court

agreement entered into between the member municipalities. The Joint Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In nontraffic matters, each member municipality shall draft a bond schedule, which shall become effective upon approval by the member municipality's governing body. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

K. Fees and costs.

(1) The Municipal Judge may impose punishment and sentences as provided by Chs. 800 and 938, Wis. Stats., and as provided in the ordinances of the member municipalities that are parties to the agreement. The Treasurer of the City of Onalaska and the Municipal Court Clerk certify the monthly accounting with the State of Wisconsin. Such reports are available by request to each member municipality.

(2) The Municipal Judge shall collect a fee for court costs on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. For the purposes of this section, the "court costs" for matters adjudicated by the Coulee Region Joint Municipal Court shall be at the maximum rate allowed pursuant to § 814.65, Wis. Stats., or its successor or replacement.

L. Withdrawal from Joint Municipal Court. Any member municipality may withdraw from this agreement by giving notice, in writing, to the Municipal Court Committee no later than September 30 of any year. Upon giving such notice, the member municipality's participation in the Joint Municipal Court shall terminate on December 31 of said year.

M. Statutes adopted by reference. Chapters 755 and 800, Wis. Stats., as may be amended, are hereby adopted by reference.

N. Contempt of court. The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose as sanction authorized under § 800.12, Wis. Stats., and may impose a forfeiture therefor not to exceed $200 or, upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven days.

§ 108-2. Abrogation.

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

§ 108-3. Agreement.

All member municipalities shall enter into a mutually acceptable agreement for the operation of the Joint Municipal Court.

Chapter 112

NOISE

§ 112-1. Loud noise prohibited.

§ 112-2. Violations and penalties.

§ 112-3. Concerts and amplified music.

§ 112-4. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 6-10-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 14.
Peace and good order — See Ch. 127.
Transient merchants — See Ch. 169.

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§ 112-1. Loud noise prohibited.

A. No person shall create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the village such as produces annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health or morals of the public.

B. No person shall operate any mechanical device driven by gasoline, diesel or otherwise, without having the same equipped and using thereon a muffler, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke and no person shall use a muffler cutout, bypass or similar device.

C. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, shall be prohibited, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street. **[Amended 10-12-2000 by Ord. No. 1.00]**

D. The provisions of this section shall not apply to:

   (1) Any vehicle of the village while engaged in necessary public business.

   (2) Excavations or repairs of streets or other public construction by or on behalf of the village, county, or state at night when public welfare and convenience renders it impossible to perform such work during the day.

   (3) The reasonable use of amplifiers or loudspeakers in the course of the public addresses or uses which are noncommercial in nature. **[Amended 10-12-2000 by Ord. No. 1.00]**

§ 112-2. Violations and penalties. [Amended 5-11-2006 by Ord. No. 5.06]

Any person violating any provision of § 112-1 shall upon conviction thereof forfeit not less than $50 nor more than $500 for the first offense and not less than $100 nor more than $1,000 for a subsequent offense, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation.

§ 112-3. Concerts and amplified music. [Added 5-9-2024 by Ord. No. 4-2024]

Concerts and any form of amplified music shall only be permitted in business districts and in public parks within the Village of Holmen. Any such activity must be approved by the Village Board and shall only transpire within the permitted location and permitted time allotted. Concerts and amplified music shall typically terminate by 9:00 p.m., however may be extended if permitted by the Village Board. It shall be the expectation, especially when in close proximity to residential districts, that concerts and amplified music be limited in length and sound amplification, and the permitted hosts must always respect the rights of the adjacent and nearby impacted property owners. Any failure to respect adjacent and nearby impacted property owner rights or failure to establish and secure the required permit or failure to follow the permit approvals of the Village Board shall constitute a violation subject to penalties as outlined in § 112-4. The Village Board reserves the right to deny any permit application it believes is not in the public's best interest; and conversely, the Village Board reserves the right to provide allowances beyond those specified in this paragraph, if special event circumstances warrant such consideration and are found to be in the public's best interest. Businesses, licensed beer gardens or other commercial centers that have music or entertainment producing sounds that do not leave the commercial premises from which they originate during normal business hours shall be exempt from this paragraph.

§ 112-4. Violations and penalties. [Added 5-9-2024 by Ord. No. 4-2024]

Any person who violates § 112-3 shall be subject to citation and forfeiture of no less than $200, yet no more than $600 for the first offense, and no less than $400, yet no more than $1,200 for each subsequent offense, plus court costs.

Chapter 119

PARADES

§ 119-1. Purpose.

§ 119-2. Definitions.

§ 119-3. Permit required.

§ 119-4. Exemptions from permit requirement.

§ 119-5. When application must be made.

§ 119-6. Information required in application.

§ 119-7. Recommendations of governmental agencies.

§ 119-8. Basis for discretionary denial of permit.

§ 119-9. Mandatory denial of permit.

§ 119-10. Permit issued unless threat to public safety.

§ 119-11. Grant or denial of permit.

§ 119-12. Charge for increased costs.

§ 119-13. Governing body may overrule Clerk: revocation.

§ 119-14. Parade permit contents.

§ 119-15. Copies of parade permit distributed.

§ 119-16. Compliance with regulations.

§ 119-17. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 7-14-1983. Amendments noted where applicable.]

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§ 119-1. Purpose.

The governing body of the village recognizes that the highways of the village are primarily for the use of the traveling public in the ordinary way. However, it further recognizes that there is a fundamental and constitutional right to use the public streets for processions and parades which do not substantially interfere with the public's right to travel on such highways. This chapter is intended to regulate and control parades and processions for the purpose of protecting the general welfare and safety of the persons using the highways of the Village of Holmen.

§ 119-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HIGHWAY — Has the meaning set forth in s. 340.01(22), Wis. Stats., and also includes areas owned by the municipality which are used principally for pedestrian or vehicular traffic.

PARADE — Any parade, march or procession of any kind and the assembly areas therefor.

§ 119-3. Permit required.

No person shall form, direct, marshal, lead or participate in any parade on any highway under the jurisdiction of the Village of Holmen unless a permit has been obtained in advance as provided in this chapter: provided that, upon notification to the Chief of Police, a parade on

sidewalks and footways in which persons move not more than two abreast and which does not substantially hinder normal use of the sidewalk or footway and conforms with traffic control devices and other traffic regulations may be conducted without a permit.

§ 119-4. Exemptions from permit requirement.

A permit is not required for assembling or movement of a funeral procession or for any parade sponsored by an agency of the federal or state government, acting in its governmental capacity within the scope of its authority. Federal and state authorities are requested to coordinate preparations for and holding parades sponsored by them under this chapter with the Chief of Police.

§ 119-5. When application must be made.[1]

A written application for a permit for any parade on the highways under the jurisdiction of the Village of Holmen shall be made by one of the organizers to the Village Clerk on a form provided by said officer no less than two weeks prior to the parade. Application made less than 30 days prior to the date of the proposed parade must be made in person.

§ 119-6. Information required in application.

The application shall set forth the following information regarding the proposed parade:

A. The name, address and telephone number of the applicant.

B. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.

C. The name, address and telephone number of the person who will be responsible for conducting the parade.

D. The date when the parade is to be conducted and its duration.

E. The assembly area, the starting point, the route to be traveled and the termination point.

F. The estimated number and size of units comprising the parade.[2]

G. If the parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Clerk a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.

H. Any additional information which the Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 119-7. Recommendations of governmental agencies.

The Clerk shall submit a copy of the application to the Village of Holmen agencies in charge of the highway and enforcement of traffic regulations thereon for report and recommendation.

§ 119-8. Basis for discretionary denial of permit.

The application may be denied:

A. If it is for a parade that is to be held on a work day during hours when and at places where, in addition to the proposed parade, the flow of vehicular traffic is usually delayed by its own volume; or

B. If it is for a parade that is to be held between the hours of 7:00 p.m. and 8:00 a.m.

C. If sufficient parade marshals are not provided as to reasonably assure the orderly conduct of the parade.

§ 119-9. Mandatory denial of permit.

The application shall be denied:

A. [3]If it is made less than two weeks in advance of the time the parade is scheduled to commence; or

B. If it is for a parade that is primarily for private or commercial economic gain; or

C. If it is for a parade which would involve violation of federal, state, or local laws relating to use of highways or of other applicable regulations of the Village of Holmen; or

D. If the granting of the permit would conflict with another permit already granted or for which application is already pending; or

E. If the application does not contain the information required by § 119-6; or

F. If more than one assembly area or more than one dispersal area is proposed; or

G. Failure to comply with s. 84.07(4), Wis. Stats.[4]

§ 119-10. Permit issued unless threat to public safety.

The Clerk shall issue a permit to the applicant subject to the foregoing sections of this chapter, unless he concludes that:

A. The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality; or

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or

C. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or

D. The parade is so poorly organized that participants are likely to engage in aggressive or destructive activity.

§ 119-11. Grant or denial of permit.

A. Time when required. The Clerk shall act as promptly as he or she reasonably can on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed 30 days or more in advance shall be granted or denied not less than 10 days before the date of the parade stated in the application. Action on applications filed less than 30 days in advance shall be taken within seven days after the application is filed, but in no case later than 10 hours in advance of the time applied for. The Clerk shall immediately, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.[5]

B. Modification of requested permit. In lieu of denying a permit, the Clerk may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than as applied for as permitted. The applicant or permittee may accept such modification by immediately notifying the Clerk, in writing, of such acceptance.

§ 119-12. Charge for increased costs.

Where the Village President determines that the cost of municipal services incident to the staging of the parade will be increased because of the parade, the Clerk may require the permittee to make payment into the general fund of the municipality in an amount equal to the increased cost for the municipal services.

§ 119-13. Governing body may overrule Clerk: revocation.

Nothing herein shall prevent the local elected governing body from overruling the Clerk in granting or denying a permit. The Village President may revoke a permit already issued, if he or she deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit the Village President may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village of Holmen and such third parties as maybe injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the

5. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

holding of the parade sufficient to indemnify the municipality and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

§ 119-14. Parade permit contents.

Each parade permit shall state such information as the Clerk shall find necessary to the enforcement of this chapter.

§ 119-15. Copies of parade permit distributed.

Immediately upon the issuance of a parade permit, the Clerk shall send a copy thereof to each public transportation utility whose regular routes will be affected by the parade.

§ 119-16. Compliance with regulations.

A. Permittee. A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the state and Village of Holmen.

B. Participants. No person who leads or participates in a parade shall disobey, or encourage others to disobey, this chapter after a law enforcement officer has directly and presently informed him or her of any of the provisions of this chapter or the terms of the applicable parade permit.

§ 119-17. Violations and penalties.[6]

Any person violating any provision of this chapter shall, upon conviction thereof, forfeit not less than $10 nor more than $200 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation.

6. **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 121

PARKS AND RECREATION

§ 121-1. Park regulations.

§ 121-2. Turf protection on public property.

§ 121-3. Park hours.

§ 121-4. Ultra-light aircraft regulated.

§ 121-5. Reservation of park space.

§ 121-6. Violations and penalties.

§ 121-7. Adoption of state schedules.

[HISTORY: Adopted by the Village Board of the Village of Holmen 8-14-2008 by Ord. No. 4.08. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 14.
Firearms and weapons — See Ch. 63.
Intoxicating liquor and fermented malt beverages — See Ch. 78.
Peace and good order — See Ch. 127.

§ 121-1. Park regulations.

A. Purpose; definition.

(1) In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration, these regulations are enacted.

(2) The term "park" as hereinafter used in this chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Village.

B. Specific regulations.

(1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.

(2) Sound devices. No person shall operate or play any amplifying system without an approved event permit issued by the Village.

(3) Bill posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village.

(4) Throwing stones and missiles prohibited. No person shall throw stones or other missiles in or into any park.

(5) Removal of park equipment prohibited. No person shall remove benches, seats, tables or other park equipment from any park.

(6) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Village Board.

(7) Making of fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted, provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

(8) Protection of park property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this chapter. No person shall climb any tree or remove flowers, vegetation or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

(9) Motorized vehicles. Except for authorized maintenance or emergency vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have a Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.

(10) Snowmobiles. No person shall operate a snowmobile or all-terrain vehicle in a Village park except in designated areas.

(11) Speed limit. No person shall operate any vehicle in a Village park in excess of 15 m.p.h. unless otherwise posted.

(12) Glass beverage bottles in parks prohibited. No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.

(13) Reckless driving in parks prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.

(14) Parking in parks. No person shall park any motor vehicle in any park in the Village except in a designated parking area.

(15) Horse and carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Parks and Recreation Department is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. No horse shall be ridden in a reckless manner. Pedestrians shall have

the right-of-way when crossing a bridle path, and, whenever groups of people are visible within 300 feet, horses shall be ridden at slow gait.

(16) Removing tree protectors. No person shall remove any device for the protection of trees or shrubs.

(17) Golfing and sporting activities. No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball in designated areas. All sporting activities must be held in areas so designated for that purpose.

(18) Arrows. No person shall use or shoot any bow and arrow in any Village park.

(19) Fees and charges. The Village Board, upon the recommendation of the Parks and Recreation Committee, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.

(20) Pets. Pets, including animals of any species, are allowed in designated areas only. No person having charge or control of any pet shall allow such pet to run at large within any Village park, but shall keep such pet attended and on a leash at all times. Pets must be licensed. Pet owners must pick up and remove any fecal matter deposited by their pet(s).

(21) Firearms; hunting. Possessing or discharging of any firearm or weapon is prohibited in all Village parks. Said possession or discharge shall be subject to any and all rules and regulations of the Holmen Police Department.

(22) Fish cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.

(23) Controlled substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.

(24) Camping. Overnight camping is not permitted in any Village park. Notwithstanding this prohibition, however, the Park and Recreation Board may permit individual persons or groups of persons having a common purpose to remain in one or more designated area(s) of a park for some or all of the hours between 11:00 p.m. and 6:00 a.m., during recognized special events open to the general public, subject to the terms and conditions which the Village deems necessary and/or desirable.

(25) Utility installation and construction. Any private construction which may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of the Village Board, and no such installation, repair or construction shall commence without the written permission therefor from the Board. All public works, including construction and installation of power lines, hydrants, sewers and the like, shall be commenced only after notice to the Board of intent so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Board.

(26) Tennis courts. It shall be unlawful for any person to operate, ride or use a skateboard, bicycle, tricycle or other similar device, or roller skates or rollerblades on any public tennis courts. Tennis courts shall be used for tennis purposes only.

(27) Swimming.

(a) No person shall swim or bathe in any lake, river, creek, lagoon, beach or public swimming pool under the jurisdiction of the Village Park and Recreation Department except at such places and at such times as the Village Board may direct.

(b) No person shall swim or bathe in any detention or retention pond under the jurisdiction of the Village.

§ 121-2. Turf protection on public property.

Except as authorized by the Parks and Recreation Department, no person shall dig into the turf of any Village-owned property for any purposes whatsoever or remove any trees, shrubs or flowers. Absent authorization by the Parks and Recreation Department, the use of metal detectors and digging for buried objects on Village property is prohibited.

§ 121-3. Park hours.

A. Park hours. Subject to certain exceptions listed below, all Village parks shall be closed from 10:00 p.m. to 8:30 a.m. Deer Wood Park shall be closed from 11:00 p.m. to 8:30 a.m.

B. Exceptions to closing hours. A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Village may modify closing hours for particular events.

C. Park closing and opening dates. The Park and Recreation Committee will have full authority to open and close any park, beach, facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

§ 121-4. Ultra-light aircraft regulated.

A. Definition. As used in this chapter, the following terms shall have the meanings indicated:

ULTRA-LIGHT AIRCRAFT, VEHICLE OR HANG GLIDER — An unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultra-light vehicle by 14 C.F.R. § 103.1 and which is defined as an ultra-light aircraft by § 114.195, Wis. Stats.

B. Regulations regarding use.

(1) No person shall operate any ultra-light aircraft within the Village in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultra-light aircraft in the Village in violation of any applicable state and federal regulations and standards. No person shall cause an ultra-light aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a Village public park or other Village property, the operator of such ultra-light aircraft shall first obtain a permit from the Parks and Recreation Department. A fee may be charged by the Parks and Recreation Department for such permit which may be issued for a period up to 30 days. The Parks and Recreation Department shall not sponsor such activity.

(2) Any person desiring to land or to take off from any property owned by the Village of Holmen shall, prior to receiving a permit, procure evidence of insurance providing for not less than $500,000 of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the Village of Holmen as an additional insured, and said certificate shall be filed with the Village Clerk at the time the applicant seeks a permit.

§ 121-5. Reservation of park space.

A. Policy on reservation. The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof in the Village to the end that the general welfare of the Village is protected.

B. Reservation of park space. A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the Parks and Recreation Department for a permit for exclusive use of the same. The Parks and Recreation Department shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board, upon the recommendation of the Parks and Recreation Committee, shall issue permits for the exclusive use of Village parks. Park facilities are reserved on a first-requested, first-reserved basis; provided, however, that during the month of January of each year, only residents of the Village of Holmen may reserve the use of a park facility or a park shelter for the current year only. Thereafter, any person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter for the current year only.

C. Application. Applications shall be filed, in writing, with the Parks and Recreation Department at least 30 days prior to the date on which the exclusive use of the entire park is requested, or at least five days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:

(1) The name, address and telephone number of the applicant.

(2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.

(3) The name, address and telephone number of the person who will be responsible for the use of said park, area or facility.

(4) The date when the exclusive use is requested and the hours of the proposed exclusive date.

(5) The anticipated number of persons to use said park, area or facility.

(6) Any additional information which the Village Board, Parks and Recreation Committee, Parks and Recreation Department, or Village Administrator/Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.

D. Fee and deposit. The Village Board shall establish a schedule of fees for park space and shelter use. In addition to any required fee, all applicants for reservation of exclusive use of park space for which a permit is required shall also be required to pay a deposit in an amount as determined by the Village Administrator to insure compliance with the permit's terms and to pay for the Village's maintenance and clean-up expenses, minimum deposit amount of $100 per event day. Applications for reservations for exclusive use of park space shall not be accepted unless accompanied by the deposit and the park fee and a signed agreement for such reservation and/or use. The deposit shall be returned after the use if cleanup or repair by the Village is not required and if all terms of the permit have been fully complied with.

E. Action on application. The Village Board or appropriate committee thereof shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.

F. Reasons for denial. Applicants may be denied for any of the following reasons:

(1) If it is for a use which would involve a violation of federal or state law or any provision of this Code.

(2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.

(3) If the application does not contain the information required by Subsection C above.

(4) The application is made less than the required days in advance of the scheduled exclusive use.

(5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.

(6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.

(7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.

(8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.

G. Indemnification. Prior to granting any permit for exclusive use of the park, the Village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

H. Permit not required for village activity. A permit is not required for exclusive use of the park or a park facility sponsored by the Village.

I. Permit revocation. The Village Board, Park and Recreation Committee, and or the Chief of Police or his designee(s) after granting a permit may revoke a permit already issued if it is deemed that the terms of the permit are not being complied with, or that such action is justified by an actual or potential emergency due to weather, fire, riot, catastrophe or likelihood of a breach of the peace or by a major change in the condition forming the basis of the permit.

J. Form of permit. Each permit shall be in a form prescribed by the Park and Recreation Committee and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.

K. Class B fermented malt beverage licenses. When fermented malt beverages are sold at any event authorized by this section, a valid fermented malt beverage license shall be obtained and the provisions of Chapter 78 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

L. Violation of terms of permit. It shall be unlawful for any person, organization or other entity to which a permit is issued for a specific park, park area or shelter to use or occupy a park, park area or shelter other than that for which the permit is issued. Any person, organization, or other entity violating this section shall be subject to immediate revocation of its permit and removal from the park, park area or shelter, forfeiture of the deposit paid, together with forfeiture as provided in §§ 121-6 and 121-7 of the Code of Ordinances.

§ 121-6. Violations and penalties.

Any person violating any provision of this chapter, including those provisions of Wisconsin Statutes or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than $50 nor more than $500 for the first offense and not less than $100 nor more than $1,000 for a subsequent offense, the costs of prosecution, the costs of property damages, and in default of payment of such forfeiture and the cost of prosecution shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

§ 121-7. Adoption of state schedules.

The State of Wisconsin Revised Uniform State Traffic Deposit Schedule and Alcohol Beverages, Harassment, Safety, Tobacco, U.W. Rule, and Drug Paraphernalia Violations Deposit Schedule and Uniform Misdemeanor Bail Schedule and Trespass to Land Deposit Schedule are hereby adopted by reference.

Chapter 123

PAWNBROKERS AND SECONDHAND DEALERS

§ 123-1. License required.

§ 123-2. Application.

§ 123-3. Pawnbroker and dealer requirements.

§ 123-4. Secondhand article dealer mall or flea market.

§ 123-5. License issuance.

§ 123-6. License revocation.

§ 123-7. Fees.

§ 123-8. Violations and penalties.

§ 123-9. Employees and shows or one-day events.

§ 123-10. Transmitting information to Police Department.

§ 123-11. Keeping items four days.

§ 123-12. Exemptions.

§ 123-13. Adoption of statutory provisions.

[HISTORY: Adopted by the Village Board of the Village of Holmen 1-10-1991; amended in its entirety 4-9-2015 by Ord. No. 2-2015. Subsequent amendments noted where applicable.]

§ 123-1. License required.

No person, firm or corporation shall carry on or operate within the Village of Holmen a business for the purchase or exchange of secondhand articles composed, in whole or in part, of gold, silver, precious stones, copper, lead or brass or operate as a pawnbroker and/or secondhand article and jewelry store as defined by Wisconsin Statute § 134.71 without complying with this chapter and first obtaining a license therefor. Any person, firm or corporation engaging in such business temporarily shall comply with this chapter and obtain a temporary license as provided in this chapter.

§ 123-2. Application.

Written applications for licenses under this chapter for specific premises shall be filed with the Village Clerk for approval by the Village Board at any regular or special meeting thereof at least 15 days prior to said meeting. The Village Clerk shall furnish a copy of the application to the Chief of Police. Licenses shall not be transferable. The application shall be on forms furnished by the Village Clerk and shall contain the following information:

A. The applicant's name, place and date of birth and residence address.

B. The names and addresses of the business and of the owner of the business premises.

C. A statement as to whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.

D. Whether the applicant is a natural person, corporation, limited liability company or partnership and:

(1) If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.

(2) If the applicant is a partnership, the names and addresses of all partners.

(3) If the applicant is a limited liability company, the names and addresses of all members.

E. The name of the manager or proprietor of the business.

F. Any other information that the Village Clerk may reasonably require.

§ 123-3. Pawnbroker and dealer requirements.

A. Identification. No pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

(1) A county identification card.

(2) A state identification card.

(3) A valid Wisconsin motor vehicle operator's license.

(4) A valid motor vehicle operator's license, containing a picture, issued by another state.

(5) A military identification card.

(6) A valid passport.

(7) An alien registration card.

(8) A senior citizen's identification card containing a photograph.

(9) Any identification document issued by a state or federal government, whether or not containing a picture, if the pawnbroker, secondhand article dealer or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

B. Transactions with minors.

(1) Except as provided in Subsection B(2), no pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from any minor.

(2) A pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction described under Subsection B(1) if the minor is accompanied by his or her parent or guardians at the time of the transaction or if the minor provides the pawnbroker, secondhand article dealer or secondhand jewelry dealer with the parent's or guardian's written consent to engage in the particular transaction.

C. Records.

(1) Except as provided in Subsection C(2), for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to complete and sign, in ink, the appropriate form provided under Wisconsin Statute § 134.71(12). No entry on such a form may be erased, mutilated or changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one year after the date of the transaction, except as provided in Subsection E, and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time. Furthermore, upon receipt of secondhand articles, secondhand jewelry, scrap precious metals, and pawn items of any kind, the licensee shall photograph all such item(s) received and maintain such photographs for a period of one year and shall import a digital copy of such photographs and all information pertaining to the transaction of such item(s) into an off-site electronic database or tracking system of the Village of Holmen Police Department's choosing within 24 hours.

(2) For every secondhand article purchased, received or exchanged by a secondhand article dealer from a customer off the secondhand article dealer's premises or consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory, the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article which is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article. The secondhand article dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less than one year after the date of the transaction, except as provided in Subsection E, and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time. Furthermore, the licensee shall ensure to maintain an accurate and detailed inventory within the electronic database or tracking system of the Village of Holmen Police Department's choosing at all times.

D. Holding period.

(1) Except as provided in Subsection D(5), any secondhand article or secondhand jewelry purchased or received by a pawnbroker shall be kept on the pawnbroker's premises or other place for safekeeping for not less than 30 days after the date of

purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or secondhand jewelry recovers it.

(2) Except as provided in Subsection D(5), any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than 10 days after the date of purchase or receipt.

(3) Except as provided in Subsection D(5), any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than 15 days after the date of purchase or receipt.

(4) During the period set forth in Subsection D(1), (2) or (3), the secondhand article or secondhand jewelry shall be held separate and apart and may not be altered in any manner. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within 24 hours after a written request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection any secondhand article or secondhand jewelry which is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a pawnbroker, secondhand article dealer or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for a reasonable length of time which the law enforcement officer considers necessary to identify it.

(5) Subsection D(1) to (4) do not apply to any of the following:

(a) A coin of the United States, any gold or silver coin or gold or silver bullion.

(b) A secondhand article or secondhand jewelry consigned to a pawnbroker, secondhand article dealer or secondhand jewelry dealer.

E. Report to law enforcement agency. Within 24 hours after purchasing or receiving a secondhand article or secondhand jewelry, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available for inspection by a law enforcement officer the original form completed under Subsection C(1) or the inventory under Subsection C(2), whichever is appropriate, and the licensee shall photograph all such item(s) received and shall import a digital copy of such photographs and all information pertaining to the transaction of such item(s) into an off-site electronic database or tracking system of the Village of Holmen Police Department's choosing. Notwithstanding Wisconsin Statute § 19.35(1), law enforcement agency receiving the original form or inventory or a declaration of ownership or information from electronic database tracking may disclose it only to another law enforcement agency.

F. Exception for customer return or exchange. Nothing in this section applies to the return or exchange, from a customer to a secondhand article dealer or secondhand jewelry dealer, of any secondhand article or secondhand jewelry purchased from the secondhand article dealer or secondhand jewelry dealer.

G. Investigation of license applicant. The Village Police Department shall investigate each applicant for a pawnbroker's, secondhand article dealer's or secondhand jewelry dealer's license to determine whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under Wisconsin Statute § 134.71(5)(c), and, if so, the nature and date of the offense and the penalty assessed. The Village Police Department shall furnish the information derived from that investigation in writing to the Village Clerk.

§ 123-4. Secondhand article dealer mall or flea market.

A. The owner of any premises or land upon which two or more persons operate as secondhand article dealers may obtain a secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:

(1) Each secondhand article dealer occupies a separate sales location and identifies himself or herself to the public as a separate secondhand article dealer.

(2) The secondhand article dealer mall or flea market is operated under one name and at one address and is under the control of the secondhand article dealer mall or flea market license holder.

(3) Each secondhand article dealer delivers to the secondhand article dealer mall or flea market license holder, at the close of business on each day that the secondhand article dealer conducts business, a record of his or her sales that includes the location at which each sale was made.

B. The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land shall comply with Wisconsin Statute § 134.71(8).

§ 123-5. License issuance.

A. The Village of Holmen shall grant the license if all of the following apply:

(1) The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, has not been convicted within the preceding 10 years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

(2) With respect to an applicant for a pawnbroker's license, the applicant provides to the governing body a bond of $500, with not less than two sureties, for the observation of all municipal ordinances relating to pawnbrokers.

B. No license issued under this section may be transferred.

C. License terms.

(1) Each license for a pawnbroker, secondhand article dealer or secondhand jewelry dealer is valid from July 1 until the following June 30.

(2) Each license for a secondhand article dealer mall or flea market is valid for two years, from May 1 of an odd-numbered year until April 30 of the next odd-numbered year.

§ 123-6. License revocation.

The Village of Holmen Board of Trustees may revoke any license issued by it under this section for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this section or Wisconsin Statute § 943.34, 948.62 or 948.63.

§ 123-7. Fees.

The license fees under this section shall be as prescribed in the Village of Holmen's annual Fee Schedule for the following:

A. For a pawnbroker's license;

B. For a secondhand article dealer's license;

C. For a secondhand jewelry dealer's license;

D. For a secondhand article dealer mall or flea market license.

§ 123-8. Violations and penalties.

A. Upon conviction for a first offense under this chapter, a person shall forfeit not less than $50 nor more than $1,000.

B. Upon conviction for a second or subsequent offense under this chapter, a person shall forfeit not less than $500 nor more than $2,000.

§ 123-9. Employees and shows or one-day events.

A. Employees of licensed establishments are not required to obtain a license in addition to the establishment's license.

B. Businesses conducting an organized show, event or market on a temporary basis at a temporary location whose coordinator or organizer has obtained a license under this chapter shall not in addition be required to obtain a license for each business, person or entity; however, they shall be required to comply with §§ 123-6, 123-7, 123-8 and 123-9, provided the same are applicable, and provided further that such person, business or entity is engaged in the business of purchase or exchange of secondhand goods containing precious metals or stones.

§ 123-10. Transmitting information to Police Department.

A copy of the information required by § 123-3 above shall be furnished to the Village of Holmen Police Department on the form prescribed by the Village of Holmen Police Department, and via the required off-site electronic database or tracking system of the Village of Holmen Police Department's choosing, within 24 hours after the licensee has received the item. Such information shall be processed in accordance with the Village of Holmen Police Department's choosing on each business day. Such record(s) or book and entries as well as every such secondhand article received by such licensee shall, at all reasonable times, be open to inspection by the Chief of Police or any police officer designated by the Chief of Police for such purpose. No entry made in such book or record(s) shall be erased, obliterated or defaced. The Chief of Police may cause any article referred to in this chapter which there is reason to believe was stolen and was sold or exchanged to the licensee to be held for the purpose of identification by its owner for such reasonable length of time as is deemed necessary.

§ 123-11. Keeping items four days.

No licensee shall destroy, melt down, dispose of, sell or deliver to any other person any item received in a transaction covered under this chapter until four days have passed from the date the item came into the possession of the licensee.

§ 123-12. Exemptions.

The provisions of this chapter shall not apply to the following:

A. Transactions between one licensed established business in the normal course of business and another licensed established business.

B. Any precious metal or gem business, at least 90% of whose gross income is derived from the sale of newly manufactured merchandise and who certifies this to the Village Clerk upon enactment of this chapter and thereafter whenever a retail occupational license shall be obtained or renewed.

C. Estates purchased through banks, attorneys, or at auctions or real estate sales.

D. Industrial residue or by-products and waste purchased from manufacturing firms.

E. Coins which are not currently in circulation, purchased for their numismatic value.

F. Monetized bullion, including Krugerrands, Canadian Maple Leaf, Mexican 500 pesos and United States silver and gold coins.

G. Transactions between a precious metal and gem business and its customer wherein the previous metal or gem is exchanged for, or the value applied to, the purchase price of other merchandise, provided that no cash, check, money order, cashier's check or other negotiable instrument is paid to the customer by the precious metal and gem business, and provided the purchase price of the merchandise sold by the business or dealer to the customer is at least $100 in excess of the credit applied to the customer for the customer's precious metal or gems taken in trade.

H. Nonprofit charitable organizations which receive and sell only donated items.

§ 123-13. Adoption of statutory provisions.

This chapter specifically adopts and makes applicable by reference the provisions of Wisconsin Statute § 134.71.

Chapter 127

PEACE AND GOOD ORDER

§ 127-1. Statutory provisions adopted by reference.

§ 127-2. Violations and penalties.

§ 127-3. Adoption of state schedules.

[HISTORY: Adopted by the Village Board of the Village of Holmen 5-12-1983; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Amusement devices — See Ch. 10.
Firearms and weapons — See Ch. 63.
Intoxicating liquor and fermented malt beverages — See Ch. 78.
Loitering — See Ch. 95.
Minors — See Ch. 101.
Noise — See Ch. 112.

§ 127-1. Statutory provisions adopted by reference.

There are hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided by Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in § 127-2 of this chapter and the Wisconsin Statutes applicable thereto, as the case may be:

Chapter/ Section	Description
23	ATV's
118.163	Truancy
125	Alcoholic beverage
175.20	Amusement places
175.25	Storage of junked autos
218	Dealers
341	Registration
342	Titles
343	Driver's license
344	Financial responsibility
346	Rules of road
347	Equipment
348	Size, Wt., Load
350	Snowmobiles
941.10	Negligent handling of burning materials
941.13	False alarms
943.13	Trespass to land

Chapter/ Section	Description
943.15	Entry to a construction site, locked buildings or room
943.2	Theft (less than $1,000)
943.21	Fraud on hotel/restaurant keeper/taxicabs
943.24	Issue of worthless checks
943.34	Receiving stolen property (less than $1,000)
943.45	Theft of telecommunications services
943.46	Theft of cable TV services
943.47	Theft of satellite cable programming
943.5	Retail theft (less than $1,000)
946.41	Obstructing officer
947.01	Disorderly conduct
947.012	Unlawful use of telephone
947.0125	Unlawful use of computerized communications system
947.013	Harassment
948.45	Contributing to truancy
939.32	Attempted theft, battery, part to crime
939.32	Distribution to person under age
940.19(1)	Battery
941	Crimes against public health and safety
943.01(1)	Damage to property
943.017(1)	Graffiti
943.12(1)	Criminal trespassing
943.2	Theft
943.50(4)(a)	Shoplifting
943.70(2)(a)(1)	Computer crimes
945.01(3)	Gambling machines
946.41	Resisting or obstructing an officer
947.06(3)(4)	Unlawful assemblies and their suppression
961.573(2)	Possession of drug paraphernalia - under 17
961.574(2)	Manufacture/delivery drug paraphernalia
961.575(2)	Delivery of drug paraphernalia to a minor

§ 127-2. Violations and penalties. [Amended 5-11-2006 by Ord. No. 5.06]

Any person violating any provision of this chapter, including those provisions of Wisconsin Statutes or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than $50 nor more than $500 for the first offense and not less than $100 nor more than $1,000 for a subsequent offense, and the costs of prosecution, and in default of payment of such forfeiture and the cost of prosecution shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 90

days for each violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

§ 127-3. Adoption of state schedules.

The State of Wisconsin Revised Uniform State Traffic Deposit Schedule and Alcohol Beverages, Harassment, Safety, Tobacco, U.W. Rule, and Drug Paraphernalia Violations Deposit Schedule and Uniform Misdemeanor Bail Schedule and Trespass to Land Deposit Schedule are hereby adopted by reference.

Chapter 130

PERSONALTY, STORAGE OF

§ 130-1. Nuisance declared.

§ 130-2. Abatement by owner.

§ 130-3. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 11-9-1989. Amendments noted where applicable.]

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§ 130-1. Nuisance declared.

Storage of old, unused, stripped, junked, unlicensed, and other automobiles not in condition for normal use or in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer usable for the purpose for which it was manufactured, which hereinafter are collectively described as "said personalty," for a period of five days or more (except in licensed junkyards) is hereby declared to be a nuisance and dangerous to the public safety.

§ 130-2. Abatement by owner.

The owner, owners, tenants, lessees, and/or occupants of any lot within the village upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom will hereinafter be referred to collectively as owners), shall jointly and severally abate said nuisance by the prompt removal of said personalty to completely enclosed buildings authorized to be used for such storage purposes, or otherwise to remove it to a location without the corporate limits of the village, and it shall be unlawful if said owners allow said nuisance to exist or fail to abate said nuisance.

§ 130-3. Violations and penalties.

Any person who shall violate any of the provisions of this chapter or amendments thereto shall, upon conviction thereof, be required to forfeit not less than $100 nor more than $500 together with the cost of prosecution and, in default of payment thereof, shall be committed to the county jail for a period not to exceed 60 days. Each day's continuance of such violation shall constitute a separate offense.

Chapter 134

POLICE COMMISSIONERS, BOARD OF

§ 134-1. Creation.

§ 134-2. Membership; terms; officers.

§ 134-3. Powers.

§ 134-4. Compensation.

§ 134-5. Specific power and authority.

[HISTORY: Adopted by the Village Board of the Village of Holmen 6-10-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government — See Ch. 5.

§ 134-1. Creation.

There is hereby created for the Village of Holmen, pursuant to WI Stats. 61.65, a Board of Police Commissioners.

§ 134-2. Membership; terms; officers.

The Board of Police Commissioners shall consist of five citizens, appointed by the President and subject to confirmation by the Village Board. Initial members shall be appointed to three-year terms, starting the first Monday in May. Upon appointment of initial members, the members of the Board shall elect a President, Vice President and Secretary and thereafter annually, following the appointment of members for regular terms.

§ 134-3. Powers.

Upon establishment of the Village of Holmen Board of Police Commissioners, the Board shall have the following powers:

A. Appoint a Police Chief, who shall hold office during good behavior, subject to suspension or removal by the Board for cause.

B. Determine the classification of subordinates, with advice from the Police Chief.

C. Approve the appointments of subordinates, as appointed by the Police Chief.

D. Exercise all authority conferred upon such Board by law, expressly recognized that such Board does not maintain "optional power" as defined by WI State Statute 62.13(6).

E. Authority to hire, discharge and discipline employees as provided in WI State Statutes 62.13(5) and (6m) and shall be responsible for policy and procedures pertaining to promotions and discipline.

F. To schedule a date, time and place for its meetings. Meetings must comply with the Open Meeting Law.

§ 134-4. Compensation.

Village of Holmen Board members shall receive no compensation.

§ 134-5. Specific power and authority.

In accordance with WI State Statute 61.65 and other applicable statutes, the Village of Holmen Board of Police Commissioners shall have the following specific power and authority:

A. To conduct original entrance examinations for those seeking employment in the Village of Holmen Police Department at the lowest ranks and to prepare an eligible list from applicants successful in the examinations, including establishments for eligibility for employment. The Police Chief shall make the actual appointments from the list of those certified by the Board of Commissioners.

B. To conduct examinations for specialized or supervisory positions in the Department when such positions cannot be filled by advantage by promotion and to open such examinations to the general public.

C. To approve or disapprove the appointments made by the Police Chief.

D. To appoint the Police Chief.

E. To conduct hearings on discharge or disciplinary actions within the Department.

F. To sue or be sued where necessary to carry out an express power or duty.

Chapter 136

PURCHASING

§ 136-1. Title.
§ 136-2. Intent.
§ 136-3. Purchasing agent.
§ 136-4. Purchasing procedures.
§ 136-5. Purchasing approval authority.
§ 136-6. Exceptions.
§ 136-7. Stock of supplies.
§ 136-8. Duties of Purchasing Agent.

[HISTORY: Adopted by the Village Board of the Village of Holmen 7-13-2006 by Ord. No. 6-06.[1] Amendments noted where applicable.]

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§ 136-1. Title.

This chapter shall be known as the "Village of Holmen Purchasing Ordinance."

§ 136-2. Intent.

It is the intent of this chapter to provide for the uniform and cost effective purchase of items, materials and services by the Village of Holmen.

§ 136-3. Purchasing agent.

The Village Clerk shall serve as Purchasing Agent for the Village of Holmen. The Village Clerk may designate, subject to the approval of the Finance and Personnel Committee, an employee to serve as Assistant Purchasing Clerk.

§ 136-4. Purchasing procedures.

A. This chapter assumes that all items purchased hereunder will first be budgeted in the Village's annual budget. Purchase of various items, materials and services for the Village are hereby divided into four classes:

   (1) Class A: items consisting of office supplies which can be routinely stocked by the Purchasing Agent.

   (2) Class B: items used by up to several departments and purchased annually or less frequently and shall consist of capital items, including but not limited to desks, chairs, office equipment, file cabinets, etc.

   (3) Class C: items particular to one or two departments which are not available from the Purchasing Agent's store of goods. Such items will normally be purchased by the department head with the approval of the governing committee.

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1. **Editor's Note: This ordinance superseded former Ch. 136, Purchasing, adopted 9-9-2004 by Ord. No. 6-04.**

(4) Class D: items of value in excess of $25,000. These items may be purchased with Village Board approval after being submitted to the bid procedures established by the Purchasing Agent for this type of purchase.

B. The procedures for the purchase of materials by the Village of Holmen are hereby established as follows:

(1) Class A items will be purchased by all departments through the office of the Purchasing Agent pursuant to procedures established by the said Purchasing Agent. All Class A item purchases are subject to the approval guidelines provided in § 136-5 of the Holmen Village Code of Ordinances.

(2) All Class B items will be acquired for the departments by the Purchasing Agent under the direction and supervision of the department's governing committee, pursuant to procedures established by the Purchasing Agent and approved by the Finance and Personnel Committee. All Class B item purchases are subject to the approval guidelines provided in § 136-5 of the Holmen Village Code of Ordinances.

(3) All Class C items will be purchased by the department heads, subject to the approval guidelines provided in § 136-5 of the Holmen Village Code of Ordinances.

(4) All Class D items will be purchased through the Purchasing Agent under formal bid procedures as approved by the Finance and Personnel Committee and subject to guidelines and restrictions established per state statute. All Class D item purchases are subject to the approval guidelines provided in § 136-5 of the Holmen Village Code of Ordinances.

§ 136-5. Purchasing approval authority. [Amended 9-10-2020 by Ord. No. 5-2020]

A. The following guidelines apply to the purchasing level and purchase approval authority for the Village of Holmen:

Item Cost	Approval Authority
$0 to $5,000	Department head, Village Administrator
$5,001 to $10,000	Governing committee
$10,001 or over	Village Board
Per statute	Bid procedure required

B. Any governing committee or commission, Village Board or Village Administrator can require a purchase of supplies, materials, equipment or contract for services be submitted to the bid procedure at their discretion.

C. Emergency situations may occur which will require the purchase of items or services that exceed the thresholds for item cost and approval as outlined in § 136-5 of the Holmen Village Code of Ordinances. In the event an emergency situation should arise, the following procedures shall apply:

(1) The department head shall evaluate the immediacy of the emergency and respond appropriately.

(2) Whenever possible, the department head should obtain approval from the Village Administrator prior to taking any action.

(3) The Village Administrator will make a determination as to whether prior approval shall also be obtained from the department's governing committee chairman and/or the Village Board.

(4) The department head shall document the emergency situation and gather all costs of the associated unauthorized purchases for subsequent approval as provided under § 136-5 of the Holmen Village Code of Ordinances.

§ 136-6. Exceptions.

Department heads may request exceptions to these procedures for specific items or classes of purchases. A request for an exception will be in writing, signed by the department head and governing committee chairman, and will detail the basis for the requested exception. The Purchasing Agent will indicate thereon whether or not said exception would do damage to the purchasing system established by this chapter. Approval for item exceptions will be by the Finance and Personnel Committee. Any approval for exception for the purchase of a class of items will be by the Holmen Village Board. The Purchasing Agent will maintain a file of all requested and approved exceptions and will serve in an advisory role to the committees and Village Board regarding exceptions. Exceptions, if granted, must be in writing.

§ 136-7. Stock of supplies.

The Purchasing Agent shall maintain a sufficient store of Class A items so as to meet the needs of the departments or be able to acquire them within 24 hours. Offices and departments are encouraged to order from the Purchasing Agent quantities to meet the needs for a calendar quarter, taking into consideration supply costs and employee time.

§ 136-8. Duties of Purchasing Agent.

The duties of the Purchasing Agent will include:

A. Responsibility for the inventory of Class A items.

B. Responsibility to assist and advise the department heads and committees in acquisition of Class B items.

C. Serving in an advisory capacity to all departments and committees in matters of requisitions, purchases, bidding and requested exceptions to these procedures.

D. The detection of unauthorized purchases by any office, department or employee of the Village and prompt referral of the matter to the Village Administrator, the Finance and Personnel Committee and the Village President.

E. Receiving complaints from any department or office as to item quality or quantity deficiencies. If the Purchasing Agent is not able to resolve the matter, it will be the responsibility of the Purchasing Agent to refer the matter to the Village Administrator, the governing committee and/or the Finance and Personnel Committee for resolution.

F. Solicit annual needs estimates from each department during budget preparation period, receive and fill item requests from each department, and honor emergency requests based on unusual or unforeseen circumstances.

G. Arrange delivery of Class A and Class B items purchased and recover costs involved by ensuring they are charged to the appropriate department.

Chapter 140

RECORDS, PUBLIC

§ 140-1. Definitions.

§ 140-2. Duty to maintain records.

§ 140-3. Legal custodians.

§ 140-4. Public access to records.

§ 140-5. Requests for records.

§ 140-6. Limitations on right to access.

§ 140-7. Destruction of records.

§ 140-8. Preservation through microfilm.

[HISTORY: Adopted by the Village Board of the Village of Holmen at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

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§ 140-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORITY — Any of the following village entities having custody of a village record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order or a formally constituted subunit of the foregoing.

CUSTODIAN — That officer, department head, division head or employee of the village designated under § 140-3 or otherwise responsible by law to keep and preserve any village records or file, deposit or keep such records in his or her office or who is lawfully in possession or entitled to possession of such public records and who is required by this chapter to respond to requests for access to such records.

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

§ 140-2. Duty to maintain records.

A. Except as provided under § 140-7, each officer and employee of the village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies or to the

possession or control of which he or she or they may be lawfully entitled as such officers or employees.

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

§ 140-3. Legal custodians.

A. The Village Clerk or, in his or her absence or disability or in case of vacancy, the Deputy Clerk is hereby designated the legal custodian of all village records.

B. Unless otherwise prohibited by law, the Village Clerk or the Clerk's designee shall act as legal custodian for the Village Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Village Board.

C. For every authority not specified in Subsection A or B, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

D. Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.

E. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subchapter II of Chapter 19 of the Wisconsin Statutes and this chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this chapter.

§ 140-4. Public access to records.

A. Except as provided in § 140-6, any person has a right to inspect a record and to make or receive a copy of any record as provided in W.S.A. s. 19.35(1).

B. Records will be available for inspection and copying during all regular office hours.

C. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.

D. A requester shall be permitted to use facilities comparable to those available to village employees to inspect, copy or abstract a record.

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

F. A requester shall be charged a fee to defray the cost of locating and copying records as follows:

(1) The cost of photocopying shall be set by resolution of the Village Board from time to time.

(2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

(3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.

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

(5) There shall be no charge for locating a record unless the actual cost therefor exceeds $50, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

(6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds $5.

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

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

G. Pursuant to W.S.A. s. 19.34 and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom and the methods whereby the public may obtain information and access to records in its custody, make requests for records or obtain copies of records and the costs thereof.

§ 140-5. Requests for records.

A. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under W.S.A. s. 19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under § 140-4F(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

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

C. A request for a record may be denied as provided in § 140-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under W.S.A. s. 19.37(1) or upon application to the Attorney General or a district attorney.

§ 140-6. Limitations on right to access.

A. As provided by W.S.A. s. 19.36, the following records are exempt from inspection under this chapter:

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

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

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

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

B. As provided by W.S.A. s. 43.30, public library circulation records are exempt from inspection under this chapter.

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

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

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

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

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

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

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

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

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

§ 140-7. Destruction of records.

A. Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Legislative Audit Bureau or an auditor licensed under W.S.A. ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to W.S.A. s. 16.61(3)(e), and then after such shorter period:

(1) Bank statements, deposit books, slips and stubs.

(2) Bonds and coupons after maturity.

(3) Canceled checks, duplicates and check stubs.

(4) License and permit applications, stubs and duplicates.

(5) Official bonds.

(6) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.

(7) Receipt forms.

(8) Special assessment records.

(9) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(10) Vouchers and supporting documents pertaining to charges not included in plant accounts of municipal utilities and the Sewer Department.

(11) Other municipal utility and Sewer Department records with the written approval of the State Public Service Commission.

B. Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Legislative Audit Bureau or any auditor licensed under W.S.A. ch. 442, subject to State Public Service Commission regulations, but not less than seven years after the record was effective, unless a shorter period has been fixed by the State Public Records Board pursuant to W.S.A. s. 16.61(3)(e), and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years:

(1) Contracts.

(2) Excavation permits.

(3) Inspection records.

(4) Water stubs.

(5) Sewer rental charge stubs.

(6) Receipts of current billings.

(7) Customers' ledgers.

C. Village officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than seven years after the record was effective, unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to W.S.A. s. 16.61(3)(e), and then after such a shorter period:

(1) Insurance policies.

(2) Election notices.

(3) Canceled registration cards.

(4) Assessment rolls and related records, including Board of Review minutes.

(5) Contracts and papers relating thereto.

(6) Correspondence and communications.

(7) Financial reports other than annual financial reports.

(8) Oaths of office.

(9) Reports of boards, commissions, committees and officials duplicated in the Village Board minutes.

(10) Resolutions and petitions.

(11) Voter record cards.

D. Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided by W.S.A. s. 19.21(4)(a).

E. Any tape recordings of a governmental meeting of the village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

§ 140-8. Preservation through microfilm.

Any village officer or the director of any department or division of the village government may keep and preserve public records in his or her possession by means of microfilm or other photographic or digital reproduction method. Such records shall meet the standards for photographic reproduction set forth in W.S.A. s. 16.61(7)(a) and (b) and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of §§ 140-4 through 140-6 of this chapter.

Chapter 144

REVIEW, BOARD OF

§ 144-1. Creation.

§ 144-2. Membership.

§ 144-3. Compensation.

§ 144-4. Powers.

§ 144-5. Meetings.

§ 144-6. Procedures.

§ 144-7. Confidentiality of income and expense information.

[HISTORY: Adopted by the Village Board of the Village of Holmen 4-8-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government — See Ch. 5.

§ 144-1. Creation.

There is hereby created for the Village of Holmen, pursuant to WI Stats. 70.46, a Board of Review.

§ 144-2. Membership.

The Board of Review shall consist of the Village President, Village Clerk and two Board Trustees. Board Trustees shall be appointed by the President.

§ 144-3. Compensation.

Board of Review members, except full-time employees of the Village, shall receive just compensation to be determined annually during the budget preparation by the Finance and Personnel Committee, for the day(s) on which the Board of Review is in session.

§ 144-4. Powers.

The Board of Review shall all powers as specified in WI Stats. 70.46 and 70.47.

§ 144-5. Meetings. [Amended 6-12-2003 by Ord. No. 4.03]

The Board of Review shall meet annually at any time during the thirty-day period beginning on the second Monday of May. The Board shall meet at the Village Hall or a place designated by the Village Board. At its first meeting, the Board of Review shall be in session at least two hours. Additional meetings, if needed, shall be scheduled by the Board of Review at its first meeting.

§ 144-6. Procedures.

The Village of Holmen shall adopt WI Stats. 70.46 and 70.47 for Board of Review procedures.

§ 144-7. Confidentiality of income and expense information. [Added 8-9-2001 by Ord. No. 3.01]

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

Chapter 150

SEWERS

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[HISTORY: Adopted by the Village Board of the Village of Holmen at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.
Excavations — See Ch. 58.
Land division — See Ch. 90.
Water — See Ch. 187.

ARTICLE I
Terminology

§ 150-1. Definitions and word usage.

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

APPROVING AUTHORITY — The Village Board of Trustees or its duly authorized agent or representative.

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20º C., expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

BUILDING DRAIN — That part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

BUILDING SEWER — A sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served and ends at its connection to the public sewer.

COMPATIBLE POLLUTANTS — BOD, suspended solids, phosphorous, ammonia, nitrogen, TKN, pH or fecal coliform bacteria, plus additional pollutants identified in the municipality's WPDES permit for its wastewater treatment facility, provided that such facility is designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

EASEMENT — An acquired legal right for the specified use of land owned by others.

FLOATABLE OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE — The residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

GROUND GARBAGE — The residue from the preparation, cooling, dispensing, handling, storage and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions

normally prevailing in public sewers with no particle greater than 1 1/2 inches in any dimension.

INCOMPATIBLE POLLUTANTS — Wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.

INDUSTRIAL WASTE — Any solid, liquid or gaseous substance discharged or escaping from any industrial, manufacturing or commercial establishment or process or from the development, recovery or processing of natural resources. Such term includes any wastewater which is not sanitary sewage.

INFILTRATION — The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

INFLOW — The water discharge into a sanitary sewer system, including building drains and sewers from such sources as, but not limited to the following: roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewer, catch basins, stormwaters, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguishable from, infiltration.

LICENSED DISPOSER — A person or business holding a valid license to do septage servicing under NR 113.

MUNICIPALITY — The Village of Holmen.

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NITROGEN — Ammonia nitrogen, expressed in mg/l of NH3N. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in Standard Methods.

OPERATION AND MAINTENANCE COSTS — Includes all costs associated with the operation and maintenance of the wastewater treatment facilities, including administration and replacement costs, all as determined from time to time by the municipality.

PERSON — Any and all persons, including any individual, firm, company, municipality or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH — The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of 10^{7}.

PHOSPHORUS — Total phosphorus expressed in mg/l of P (phosphorus).

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharge in or otherwise introducing such pollutants into a wastewater system.

PRIVATE SEWER — A sewer which is not owned by the village or Utility.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the municipality that owns and operates the facilities.

PUBLIC SEWER — Any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

REPLACEMENT COSTS — Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

RESIDENTIAL EQUIVALENCY CHARGE — The average residential volume of normal domestic strength wastewater.

SANITARY SEWAGE — Combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.

SANITARY SEWER — A sewer that carries sewage or wastewater.

SEPTAGE — The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable rest rooms.

SEWAGE — The spent water of a person or community. The preferred term is "wastewater."

SEWER — A pipe or conduit that carries wastewater or drainage water.

SEWER SERVICE CHARGE — A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service costs and other expenses or obligations of said facilities.

SEWER SERVICE CHARGE SYSTEM — The same meaning as "user charge system" as referred to in Chapter NR 162 of the Wisconsin Administrative Code.

SLUG — Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and/or adversely affects the collection system and/or performance of the wastewater treatment facility.

STANDARD METHODS — The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STORM SEWER OR DRAIN — A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS (SS) EXPRESSED IN MG/L — Total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as "nonfilterable residue."

TKN (TOTAL KJELDAHL NITROGEN) — The sum of organic nitrogen and ammonia nitrogen.

UNPOLLUTED WATER — Water quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

USER CHARGE SYSTEM — The system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

UTILITY — The Village of Holmen Sewer Utility.

WASTEWATER — The spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER COLLECTION FACILITIES (or WASTEWATER COLLECTION SYSTEM) — The structures and equipment required to collect and carry wastewater.

WASTEWATER TREATMENT FACILITY — An arrangement of devices and structures for treating wastewater and sludge. Also referred to as "wastewater treatment plant."

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT — A document issued by the State of Wisconsin which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

B. Word usage. "Shall" is mandatory; "may" is permissible.

ARTICLE II
Management, Operation and Control

§ 150-2. Approving authority.

The management, operation and control of the sewer system for the village is vested in the approving authority. All records, minutes, all written proceedings and all the financial records thereof shall be kept by the Clerk of the village.

§ 150-3. Construction.

The Sewer Utility of the village shall have the power to construct sewer lines for public use and shall have the power to lay sewer pipes in and through the alleys, streets and public grounds within the village boundaries and, generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The approving authority shall have the power by itself, its officers, agents and servants, to enter upon any land for the purpose of making examination or supervise in the performance of its duties under this chapter without liability therefor; and the approving authority shall have power to purchase and acquire for the Utility all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling or additions thereto.

§ 150-4. Maintenance of services.

The owner shall maintain sewer service from the street main to the house, including all controls between the same, without expense to the village, except when they are damaged as a result of negligence or carelessness on the part of the village. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building unless prior approval has been provided by the approving authority.

§ 150-5. Condemnation of real estate.

Whenever any real estate or any easement therein or use thereof shall, in the judgment of the approving authority, be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof cannot be made with the owner thereof, the approving authority shall proceed with all necessary steps to take such real estate easement or use by condemnation in accordance with the Wisconsin statutes and the Uniform Relocation Property Acquisition Policy Act of 1970, if federal funds are used.

§ 150-6. Title to real estate and personalty.

All property, real, personal and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records collected therewith said sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the village.

§ 150-7. Vacating of premises and discontinuance of service.

Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the Utility must be notified, in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives or agents.

§ 150-8. Extensions of the sewer system.

The cost of the installation of sanitary sewers to be connected to the Utility sewer system shall be borne by the property owner of the land to be served. All installations shall be in accordance with Wisconsin Administrative Code 110 and the requirements of the village and Utility. Plans and specifications shall be designed and stamped by an engineer and paid for by the property owner. A written approval obtained from the Utility is required before construction is initiated.

§ 150-9. User rules and regulations.

The user rules, regulations and sewer rates of the Utility are a part of the contract between the Utility and every user. Every person who connects to the Utility sewer system is deemed to have consented to be bound by such rules, regulations and rates. In the event of violation of the rules or regulations, the water and/or sewer service to the violating user shall be shut off (even though two or more parties are receiving service through the same connection). Water and sewer service shall not be re-established until all outstanding Sewer Utility bills, and shutoff and reconnection charges, are paid in full and until such other terms and conditions as may be established by the Village Board are met. In addition to all other requirements, the Village Board shall be satisfied that the offender will not continue in violation of the rules and regulations before authorizing reconnection of the offender's services. The Village Board may change the rules, regulations and sewer rates from time to time as it deems advisable and may make special rates and contracts in all proper cases.

ARTICLE III
Construction and Use of Public Sewers and Laterals

§ 150-10. Plumbers.

No plumber, pipe fitter or other person will be permitted to do plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin, except in cases where state law permits building owners to do their own work without being licensed.

§ 150-11. New connections.

A new connection to the municipality's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater treatment facilities. No new connections to the municipality's sanitary sewer will be allowed for areas outside of the municipality's corporate limits without approval of the approving authority.

§ 150-12. Users.

A. Application for service.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenances thereof without first obtaining a written permit from the approving authority. Every person connecting

with the sewer system shall file an application, in writing, to the Utility in such form as is prescribed for that purpose. Blanks for such applications will be furnished by the Village Clerk. The application must state fully and truly all the use which will be allowed. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

(2) The application may be for service to more than one building, or more than one unit of service through one service connection, only if previously approved by the State of Wisconsin Department of Industry, Labor and Job Development, and, in such case, charges shall be made accordingly.

(3) If it appears that the service applied for will not provide adequate service for the contemplated use, the Utility may reject the application. If the Utility shall approve the application, it shall issue a permit for services as shown on the application.

B. Permits. After sewer connections have been completed in a building or upon any premises, no plumber shall make any alterations, extensions or attachments, unless the party ordering such work shall exhibit the proper permit.

C. User to keep in repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

D. User use only. No user shall allow others or other services to connect to the sewer system through his or her lateral.

E. User to permit inspection. Every user shall permit the Village Board, or its duly authorized agent, at all reasonable hours of the day, to enter his or her premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

F. Utility responsibility. The village and its agents and employees shall not be liable for damages occasioned by reason of the breaking, clogging, stoppage or freezing of any service pipes; nor from any damage arising from maintaining or repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the water and sewer service at any time for the purpose of repairs, or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of said village, the village shall, if practicable, give notice to each and every consumer within said village of the time when such service will be so shut off.

G. Permit fees. A connection permit shall be obtained from the Utility prior to connecting any piping to the laterals or mains. The fee for this permit shall be as stated in the current sewer service charge system.

§ 150-13. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all requirements for this chapter.

§ 150-14. Materials and methods of construction.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the municipality's building and plumbing code or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

§ 150-15. Building sewer grade.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 150-16. Excavations.

A. In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

B. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

C. Excavations shall be backfilled in accordance with the Village Standard Specifications. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the area as good, at least, as before it was disturbed, and satisfactory to the village, county and state. No opening of the streets for tapping the pipes will be permitted when the ground is frozen, except when necessary.

D. A permit from the village or other appropriate governmental body shall be obtained prior to excavating in any street, alley or other public way. Such permit shall be obtained and exhibited to the Plumbing Inspector before a plumbing permit will be issued.

§ 150-17. Tapping the mains.

A. No person, except those having special permission from the Utility, or persons in its service and approved by it, will be permitted, under any circumstances, to tap the mains

or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said village.

B. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the municipality or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures, and materials must be approved by the approving authority before installation.

C. The person making a connection to a public sewer shall notify the approving authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the approving authority.

D. Pipes should not be tapped on the top and not within 18 inches (45 centimeters) of the joint or within 36 inches (90 centimeters) or another lateral connection.

E. All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe and securely strapped on with corrosion resistant straps or rods, or with solvent welded joints in the case of plastic pipe.

§ 150-18. Sanitary sewers.

No person(s) shall discharge or cause to be discharged any unpolluted waters, such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water, to any sanitary sewer.

§ 150-19. Storm sewers.

Stormwater and all other unpolluted water shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged, on approval of the approving authority and other regulatory agencies, to a storm sewer or natural outlet.

§ 150-20. Prohibitions and limitations.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquid or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment facility.

C. Any waters or wastes having a pH lower than 5.0 or in excess of 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment facilities.

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

E. The following described substances, materials, waters or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property or constitute a nuisance. The approving authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. The approving authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

(1) Wastewater having a temperature higher than 150º F. (65ºC.).

(2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

(3) Wastewater from commercial/industrial/institutional plants containing floatable oils, fat or grease.

(4) Any unground garbage. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) Any waters or wastes containing iron, chromium, copper, zinc, silver and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state and local authorities.

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the approving authority or limits established by any federal or state statute, rule or regulation.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.

(8) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent

cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(9) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids or create a condition deleterious to structures and treatment processes.

(10) Materials which exert or cause:

(a) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

(b) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(c) Unusual concentrations of inert suspended solids (such as, but limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

(d) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(11) Incompatible pollutants in excess of the allowed limits as determined by local, state and federal laws and regulations by the Environmental Protection Agency (EPA), 40 CFR 403, as amended from time to time.

§ 150-21. WPDES permit.

No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the municipality's WPDES permit and any modifications thereof.

§ 150-22. Special arrangements.

No statement contained in this chapter shall be construed as prohibiting any special agreement between the approval authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes and no extra costs are incurred by the municipality without recompense by the person; and further provided that all rates and provisions set forth in this chapter are recognized and adhered to.

§ 150-23. Use of public sewers required.

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the village or in any area under the jurisdiction of said approving authority any human or animal excrement, garbage or objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the village, or in any area under the jurisdiction of said approving authority, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(1) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the village is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 365 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line. Upon failure to do so, the village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such notice shall be assessed as a special tax lien against the property, all pursuant to W.S.A. s. 281.45; provided, however, that the owner may, within 30 days after the completion of the work, file a written request with the Utility stating that he or she cannot pay such amount in one sum and asking that it be levied in not to exceed 10 equal installments and that the amount shall be so collected with interest at the current village rate per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to W.S.A. s. 281.45.

(2) In lieu of the above, the Utility, at its option, may impose a penalty for the period that the violation continues, after 10 days' written notice to any owner failing to make a connection to the sewer system, of an amount equal to 150% of the average residential charge for sewer service, payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to W.S.A. s. 281.45.

§ 150-24. Private wastewater disposal.

A. Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

B. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the approving authority. The application for such permit shall be made on a form furnished by the approving authority, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the approving authority.

C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. The approving authority shall be allowed to inspect the work at any stage of construction and, in the

event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of receipt of notice by the approving authority.

D. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Commerce of the State of Wisconsin. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in this chapter, a direct connection shall be made to the public sewer within one year, in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the approving authority. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§ 150-25. Damage or tampering with sewage facilities.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage facility. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

§ 150-26. Stormwater and groundwater drains.

A. No person shall make connection of roof downspout, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

B. All existing downspout or groundwater drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected within 60 days of the date of an official written notice from the approving authority.

ARTICLE IV
Control of Industrial Wastes Directed to Public Sewers

§ 150-27. Submission of basic data.

The approving authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the approving authority, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater treatment facilities. In the case of a new connection, the approving authority may require that this report be prepared prior to making the connection to the public sewers.

§ 150-28. Industrial discharges.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Article III, and which in the judgment of the approving authority have a deleterious effect upon the wastewater treatment facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the approving authority may:

A. Reject the wastes.

B. Require pretreatment to an acceptable condition for discharge to the public sewers.

C. Require control over the quantities and rates of discharge; and/or

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

§ 150-29. Dilution prohibition.

No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any pretreatment standard or requirement.

§ 150-30. Spill prevention and slug control plans.

A. Spill prevention plans.

(1) Industrial users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures, shall be approved by the POTW before construction of the facility.

(2) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this chapter unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.

B. The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(1) Description of discharge practices, including nonroutine batch discharges.

(2) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition of this chapter, with procedures for follow-up written notification within five days.

(3) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

§ 150-31. Notification.

A. Procedure.

(1) In the case of any discharge in violation of this chapter or permit conditions, and in the case of any discharge that could cause problems to the POTW, including any slug loadings, as defined by this chapter, the industrial user shall immediately notify the POTW or the Village Clerk of the discharge by telephone. The notification shall include:

(a) The date, time, location and duration of the discharge.

(b) The type of waste, including concentration and volume.

(c) Any corrective actions taken by the user.

(2) Within five days following such a discharge, the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.

(3) Such notification shall not relieve the user of any expense, loss, damage or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed under this chapter or other applicable state or federal law.

B. Notification of changed discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12.

§ 150-32. Employee training.

The industrial user shall permanently post a notice in a prominent place advising all employees to call the POTW in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

§ 150-33. Records.

A. Users shall retain and make available upon request of authorized representatives of the POTW, the state or the EPA all records required to be collected by the user pursuant to this chapter or any permit or order issued pursuant to this chapter.

B. These records shall remain available for a period of at least three years after their collection.

C. This period shall be extended during any litigation concerning compliance with this chapter or permit conditions.

§ 150-34. Analytical requirements.

All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and amendments thereto, or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA.

§ 150-35. Confidential information.

A. Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

B. When the person furnishing a report satisfies the POTW that such person has made the demonstration required by Subsection A, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the state or EPA for uses related to this chapter, the WPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the state or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

§ 150-36. Inspections; access to premises.

Representatives of the POTW, the state and EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this chapter. Industrial users shall allow authorized representatives of the POTW, state and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, state and EPA shall have the right to place on the user's property such devises as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable authorized representatives of the POTW, state and EPA to enter and inspect the premises as guaranteed by this subsection.

§ 150-37. Control manholes.

Each person discharging commercial/institutional wastes into a public sewer shall, at the discretion of the approving authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of wastes, including sanitary sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the approving authority. If measuring and/or sampling devices are to be permanently installed, they shall meet the following minimum guidelines:

A. A minimum six-foot diameter manhole with steps and a bench for setting of equipment shall be installed. These manholes shall have a minimum twenty-four-inch diameter opening with cast-iron manhole cover or lockable lid. These sampling manholes shall be located at least 15 feet downstream of any bends, junctions or manholes. Maximum slope of upstream pipe shall be 2%.

B. All manholes shall be installed with flow measuring devices, such as a Parshall flume, Palmer Bowlus flume, subsonic flume or other suitable device as approved by the approving authority. An integral staff gauge shall be provided with each unit with measurements in hundredths of a foot. Flume size and type depends on flow rates anticipated and accuracy desired.

C. A flow metering device shall be provided. The metering device shall be a bubbler, ultrasonic or subsonic device as approved by the approving authority. Flow shall be indicated, totalized and recorded. A 4-20 mA signal or pulse proportional to flow shall be outputted to a sampler for flow proportional sampling.

D. A refrigerated flow proportional sampler shall be furnished, suitable for composite or hourly sampling (twenty-four-hour intervals).

E. Plans for the aforementioned facilities shall be prepared by a licensed professional engineer.

F. Plans, specifications and hydraulic calculations shall be submitted to the approving authority.

G. Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his or her expense, and shall be maintained by him or her so as to be in safe condition, accessible and in proper operating condition at all times.

§ 150-38. Hazardous waste notification.

A. Any industrial user, except as specified in Subsection E below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, shall notify the POTW, in writing, of such discharge.

B. All hazardous waste notifications shall include:

(1) The name of the hazardous waste as set forth in 40 CFR part 261.

(2) The EPA hazardous waste number.

(3) The type of discharge (continuous, batch or other).

(4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

C. In addition to the information submitted in Subsection B above, industrial users discharging more than 100 kilograms of hazardous waste per calendar month to the POTW shall obtain to the extent such information is known and readily available to the industrial user:

(1) An identification of the hazardous constituents contained in the waste.

(2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month.

(3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

D. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted in accordance of this chapter.

E. Industrial users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kilograms or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.

§ 150-39. Measurement of flow.

The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Department or Utility, except as noted in § 150-40.

§ 150-40. Metering of waste.

Devices for measuring the volume of waste discharged may be required by the approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the approving authority.

§ 150-41. Waste sampling.

A. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes.

B. The determination shall be made by the industry as often as may be deemed necessary by the approving authority.

C. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority.

D. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the approving authority. Access to sampling locations shall be granted to the approving authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

§ 150-42. Pretreatment.

A. Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes if the approving authority determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants.

B. In that event, such persons shall provide at his or her expense, such pretreatment or processing facilities as may be determined necessary to render wastes acceptable to admission to the sanitary sewers.

§ 150-43. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this chapter, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the approving authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the approving authority. Disposal of the collected materials performed by owner's(s') personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) rules and regulations.

§ 150-44. Analyses.

A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods and with the Federal Regulations of 40 CFR 136, Guidelines Establishing Test Procedures for Analysis of Pollutants, as amended from time to time. Sampling methods, location, time, durations and frequencies are to be determined on an individual basis subject to approval of the approving authority.

B. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or the person's agent, as designated and required by the approving authority at the cost of the discharger. The approving authority may also

make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges.

§ 150-45. Submission of information.

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and/or sand interceptor facilities shall be submitted for review and approval of the approving authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.

ARTICLE V
Basis For Sewer Service Charges

§ 150-46. Residential equivalency charges.

The following list of residential equivalency charges (REC) shall be assigned for initial connections after December 31, 1999. Any category of users not listed shall be assigned an REC by the approving authority after a recommendation by the Village Engineer.

Category of User	Residential Equivalency Charge
Barbershops and beauty parlors	1
Bowling alleys	1
Car washes	4
Churches	1
Commercial establishments utilizing garbage grinder	Additional 2
Dentists	1 per care station
Domestic use from industrial	1 per 10 employees (full-time)
Duplexes	2 (1 per unit)
Fire houses	1
Funeral homes	1
Greenhouses	1
Halls	3
Hotels/motels	0.75 per rentable unit
Laundromats	0.333 per washing machine
Medical clinics	2
Multiple family 3 units and up	1 per unit
Nursing homes	0.333 per sleeping room
Office buildings	1 per 10 employees
Post offices	1
Refreshment stands (carry out)	1
Restaurants (having a food preparation kitchen)	2 for each 50 capacity

Category of User	Residential Equivalency Charge
Retail stores, warehouses, shops and banks	
Up to 10 employees	1
Over 10 employees	1 each additional 10
Schools	
Without shower facilities	1 per 75 students capacity
With shower facilities	1 per 15
Single family	1
Taverns, for each 50 capacity	1
Telephone exchanges	1
Vacant lots	0
Vehicle service garages	
10 employees or fewer	1
Over 10 employees	1 each additional 10
Village offices	1

§ 150-47. Sewer users served by Water Utility.

There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water solely by the Water Utility a sewer service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.

§ 150-48. Sewer users served by private wells.

There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system which procures any part or all water used from sources other than the Water Utility, all or part of which is discharged into the wastewater collection system, a sewer service charge based, in part, on the quantity of average residential water used, as determined by the Utility.

ARTICLE VI
Amount of Sewer Service Charges

§ 150-49. Sewer service charge unit costs.

The unit costs for the sewer service charge shall be as defined in the current sewer service charge system.

§ 150-50. Sewer service charges.

Residential, commercial, manufacturing and public authority are all charged based on the following methods:

A. Quarterly service charges.

(1) Quarterly fixed charge is calculated annually based on the number of "residential equivalent units" in the village. The charge is determined as follows: (annual debt service cost + annual replacement fund amount) - (estimated connections fees)/ estimated REU's/four quarters = fixed quarterly charge. Residential customers are assigned one REU per unit, all other sewer users are annually allocated REU's based on previous years consumption and charged the fixed rate per REU, per quarter.

(2) Volume based charge is calculated annually based on the estimated volume of sewer consumption for the next year. The charge is determined as follows: (budgeted operating and maintenance cost)/estimated volumes per 1,000 gallons = volume charge per 1,000 gallons.

B. Other charges.

(1) Reserve capacity charges(hook-up fees) are $540 per REU; after two, the fee is decreased to $378 per REU for the next 14 units and $270 for each additional unit after 16.

(2) Southern service area connection charge: residential ($300 per REU and $225 per mobile home); commercial, manufacturing and public authority ($1,000 per acre).

(3) Northwest service area connection charge: $280 per REU (subject to annual CPI adjustments).

§ 150-51. Operation, maintenance and replacement fund accounts.

A. All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Article I. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

B. All revenues for the replacement fund and for operation and maintenance of the wastewater treatment facilities shall be used solely for the replacement fund and operation and maintenance of the wastewater facilities.

§ 150-52. Disposal of septic tank sludge and holding tank sewage.

A. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewage unless a permit for disposal has been first obtained from the approving authority. Written application for this permit shall be made to the approving authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Permits shall be nontransferable except in the

case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee per calendar year. The amount of the annual fee shall be as established by the approving authority. The time and place of disposal will be designated by the approving authority. The approving authority may impose such conditions as it deems necessary on any permit granted.

B. Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount as established by the approving authority to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure to act, by any of the person's employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

C. All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees that they will comply with the provisions of any and all applicable ordinances of the municipality and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or flammable liquids or other deleterious substances into the public sewers, nor allow any earth, sand or other solid material to pass into any part of the wastewater treatment facilities.

D. Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater treatment facilities shall be charged a handling charge and a volume charge as defined in the current sewer service charge system.

E. The person(s) disposing wastes agrees to indemnify and hold harmless the municipality from any and all liability and claims for damages arising out of or resulting from work and labor performed.

§ 150-53. Charge for toxic pollutants.

Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the municipality's wastewater treatment facility shall pay for such increased costs, as may be determined by the approving authority.

§ 150-54. Fees for industrial monitoring.

The POTW may adopt charges and fees which may include:

A. Fees for reimbursement of costs of setting up and operating the POTW Pretreatment Program.

B. Fees for monitoring, inspection and surveillance procedures, including the cost of reviewing monitoring reports submitted by the industrial user.

C. Fees for reviewing accidental discharge procedures and construction.

D. Fees for permit applications, including the cost of processing such applications.

E. Fees for filing appeals.

F. Other fees as the POTW may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the POTW.

§ 150-55. Reserve capacity assessments.

A. There is hereby levied and assessed upon each lot or parcel of land subsequently attached to the village a reserve capacity assessment (RCA). Such RCA charge shall be payable as herein provided and shall be on the basis of one RCA charge for each residential equivalent connection connected to the sewer system.

B. Existing and future connections. For the purpose of this chapter, sewer connections in the village shall be classified as existing connections or future connections. Existing connections shall be those in existence and connection for which a sewer connection permit has been issued and construction started as of 11:59 p.m., December 31, 1999. Future connections shall be those not in existence as of 11:59 p.m., December 31, 1999.

C. Schedule of charges. The reserve capacity assessment shall be as established by the approving authority, which shall also be the unit of charge for a residential equivalent connection. The Village Engineer shall determine the residential equivalency units for all other categories of buildings. Special charges may be determined by the approving authority for large commercial or industrial users.

D. Payments. There shall be no RCA charge for existing connections. Payments of the RCA charge for future connections shall be made in full upon the issuance of a connection permit.

§ 150-56. Unique users.

The approving authority may, at any time hereafter, establish additional rates for any large commercial service, industrial use or any other unique user that does not readily fit into other user categories.

§ 150-57. Northwest Sanitary Sewer Area base sewer connection charge.

A. It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the future costs of installing of a sanitary sewer system in lands which may be developed or annexed within the Northwest Sanitary Sewer Area and may not be presently within the corporate limits of the village, but may, in the future, become part of the village. As a result, the Village of Holmen does hereby establish a base sewer connection charge. This connection charge shall be in addition to all other hook-up fees. The amount of the base connection charge shall be $280 per residential equivalent unit. Said charge shall be adjusted annually with the first adjustment being made on January 1, 1999. The adjustment will be calculated by multiplying the connection charge by the consumer price index percentage. Said adjustment shall be added to the previous connection charge.

B. The sewer connection charge shall be paid to the Village Treasurer, by the owner(s) of each developed lot or parcels prior to connecting to the village's sanitary sewer system.

C. The Northwest Sanitary Service Area consists of those lands designated in the map which is denominated as Exhibit A, a copy of which is attached hereto.[1]

ARTICLE VII
Billing Practice

§ 150-58. Calculation of user charges.

User charges shall be computed according to the formula presented in this chapter and according to the current user charge system.

§ 150-59. User charge billing period.

User charges shall be billed by quarterly.

§ 150-60. Payment of sewer service charges.

Those persons billed by the village for the sewer service charges shall pay such charges within 20 days after the billing date.

§ 150-61. Payment of charges.

A. Such charges levied in accordance with this section shall be a debt due to the approving authority and shall be a lien upon the property. If this debt is not paid within 20 days of the date of the bill, a penalty of 1 1/2% per month of the unpaid balance shall be added to delinquent bills.

B. In the event of failure to pay sewer service charges after they become delinquent, the approving authority shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.

C. The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the village and a lien upon the property and may be recovered by civil action in the name of the approving authority against the property owner, the person or both.

D. Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid.

E. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

F. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for

1. **Editor's Note: Exhibit A is on file in the office of the Village Clerk.**

payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

G. On October 15 in each year, notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. The Utility shall furnish the Village Clerk with a list of all such lots or parcels of real estate, and the notice shall be given by the Utility. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such Utility; that unless the same is paid by November 1, a penalty of 10% of the amount of such arrears may be added thereto; and that unless such arrears and penalty are paid by November 15, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally or by letter addressed to either owner or occupant at the post office address of such lot or parcel of real estate. Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate.

ARTICLE VIII
Cost Recovery for Sewer Extension

§ 150-62. Areas provided with service.

Sewer services and extensions will be provided only to those areas located within the village corporate limits, which will be expanded from time to time.

§ 150-63. Recovery of costs.

A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Section 66.60 of the Wisconsin Statutes will apply, and no additional customer contribution to the utility will be required.

B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:

(1) The applicant(s) will advance as a contribution in aid of construction their proportionate share of the total amount equivalent to that which would have been assessed for all property under Subsection A; or

(2) At the discretion of the Village of Holmen, extensions will be made as follows:

(a) The applicant(s) will advance as a contribution in aid of construction their proportionate share of the total amount equivalent to that which would have been assessed for all property under Subsection A.

(b) Part of the contribution required in Subsection B(2)(a) will be refundable. When additional customers are connected to the extended main within 20 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection A for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection A nor will it exceed the total assessable cost of the original extension.

C. When a customer connects to a transmission main or connecting loop installed at utility expense within 20 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under Subsection A.

ARTICLE IX
Right of Entry, Safety and Identification

§ 150-64. Right of entry.

The approving authority or other duly authorized employees of the municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with the provisions of this chapter.

§ 150-65. Safety.

While performing the necessary work on private premises referred to in § 150-64, the duly authorized municipal employees shall observe all safety rules applicable to the premises established by the owner or the occupant.

§ 150-66. Identification; right to enter easements.

The approving authority, or duly authorized employees of the municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the municipality holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

ARTICLE X
Violations and Penalties

§ 150-67. Written notice of violation.

Any person found to be violating any provision of this chapter, except Article VII, shall be served by the approving authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 150-68. Accidental discharge.

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system, which causes damage to the treatment facility and/or receiving body of water, shall, in addition to a fine, pay the amount to cover damages as established by the approving authority.

§ 150-69. Continued violations.

Any person, partnership or corporation, or any officer, agent or employee thereof, who or which shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit an amount not less than $100 nor more than $200 and the cost of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the aforesaid notice time shall be deemed a separate offense.

§ 150-70. Liability to village for losses.

Any person violating any provisions of this chapter shall, in addition to any penalty or fine that may be assessed against him or her, become liable to the approving authority for any expense, loss or damage occasioned by reason of such violation which the approving authority may suffer as a result thereof.

§ 150-71. Differences of opinion.

The Board of Trustees of the village shall arbitrate differences between the approving authority and sewer users on matters concerning interpretation and execution of the provisions of this chapter.

§ 150-72. Enforcement of industrial provisions.

A. Notification of violation. Whenever the POTW finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the approving authority or his or her agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the approving authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

B. Civil penalties.

(1) Any industrial user who has violated or continues to violate this chapter, or any order or permit issued hereunder, shall be liable to the POTW for a civil penalty as set forth in § 150-69, plus actual damages incurred by the POTW. In addition to the above described penalty and damages, the POTW may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses.

(2) The approving authority shall petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user and any other factor as justice requires.

ARTICLE XI
Appeals

§ 150-73. Procedures.

Any user, permit application or permit holder affected by a decision, action or determination, including cease and desist orders, made by the approving authority interpreting or implementing the provisions of this chapter or in any permit issued herein may file with the approving authority a written request for reconsideration within 10 days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The approving authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder, in writing, within 15 days of receipt of request. If the ruling on the request for reconsideration made by the approving authority is unsatisfactory, the person requesting reconsideration may, within 10 days after notification of the action, file a written appeal with the Village Board. The written appeal shall be heard by the Village Board within 30 days from the date of filing. The Village Board shall make a final ruling on the appeal within 10 days from the date of hearing.

ARTICLE XII
Effect on Prior Ordinances; Amendments

§ 150-74. Prior ordinances.

This chapter governing sewer use, industrial wastewater discharges, sewer service charges and sewer connections and construction shall replace and supersede all previous ordinances of the municipality regarding sewer service charges.

§ 150-75. Amendments.

The municipality, through its duly authorized officers, reserves the right to amend this chapter in part or in whole whenever it may deem necessary.

ARTICLE XIII
Audit, Notification and Records

§ 150-76. Audit.

The municipality shall review, at least every two years, the wastewater contribution of its sewer users, the operation, maintenance and replacement expenses of the wastewater

treatment facilities and the sewer service charge system. Based upon this review, the municipality shall revise the sewer service charge system, if necessary, to accomplish the following:

A. Maintain a proportionate distribution of operation and maintenance expenses among sewer users based upon the wastewater volume and pollutant loadings discharged by the users.

B. Generate sufficient revenue to pay the debt service costs and the total operation and maintenance costs necessary to provide for the proper operation and maintenance (including replacement) of the treatment works.

§ 150-77. Annual notification.

The municipality shall notify its sewer users annually about the sewer service charge rates. The notification shall occur in conjunction with a regular bill.

§ 150-78. Records.

The municipality shall maintain records regarding wastewater flows and loadings, costs of the wastewater treatment facilities, sampling programs and other information which is necessary to document compliance with 40 CFR 35, Subpart E, of the Clean Water Act.

Chapter 153

SMOKE-FREE RESTAURANTS

§ 153-1. Purpose.
§ 153-2. Definitions.
§ 153-3. Unlawful smoking.
§ 153-4. Exceptions.
§ 153-5. Signs.
§ 153-6. Violations and penalties.
§ 153-7. Severability.
§ 153-8. Effective date.

[HISTORY: Adopted by the Village Board of the Village of Holmen 6-13-2002 by Ord. No. 3.02. Amendments noted where applicable.]

GENERAL REFERENCES

Clean indoor air, littering and tobacco products — See Ch. 45.
Intoxicating liquor and fermented malt beverages — See Ch. 78.

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§ 153-1. Purpose.

The purpose of this chapter is to promote and protect the health, safety and general welfare of the people of the Village of Holmen.

§ 153-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY SEATING — Can include tables and chairs or booths in the immediate vicinity of the bar.

DOCUMENTATION — Shall be no less than a letter from the business establishment's accountant that identifies the source of sales that come from food, alcohol and other categories.

FULL-SERVICE BAR — A counter-like object with accessory seating for customers, over which fermented malt beverages, intoxicating liquors or wine are sold for consumption upon the premises. A service bar without accessory seating for customers shall not be considered a full-service bar.

FULL-SERVICE BAR AREA — The full-service bar and the area immediately adjacent to the full-service bar.

PRIVATE CLUB — Churches, religious, fraternal, youth and patriotic organizations, service clubs or civic organizations which prepare and service or sell meals to members and guests only. When a private club is open to the public, it does not meet this definition.

RESTAURANT — An establishment as defined in Sec. 254.61(5), Wisconsin Statutes.

REVIEW COMMITTEE — Consists of the Village Board.

ROOM — A space within a building completely enclosed with walls, partitions, floor and ceiling, except for openings for light, ventilation, ingress and egress.

SEPARATELY VENTILATED — That the area is ventilated so that there is a negative air pressure in the designated smoking area.

SERVICE BAR — An area without accessory seating for customers, at which fermented malt beverages or intoxicating liquors are prepared for service with meals.

SMOKING — To smoke or carry a lighted pipe, cigar, cigarette or tobacco-related product in any form.

§ 153-3. Unlawful smoking.

Except as provided in § 153-4 below or any other provision of the Code, it shall be unlawful for any person to smoke tobacco products in all enclosed, indoor areas of restaurants.

§ 153-4. Exceptions.

The following are exceptions to § 153-3:

A. Full-service bar area and accessory seating.

B. The owner or proprietor may designate a smoking room which is separately ventilated from each and every other area of the establishment.

C. Restaurants.

(1) Restaurants whose sale of alcoholic beverages account for more than 50% compared to the sale of food for the most recent alcohol licensing year shall comply with Sec. 101.123, Wisconsin Statutes, the Clean Indoor Air Act.

(2) Upon request of the Chief of Police or the Village Clerk's office, owners of restaurants shall provide the necessary documentation to the Review Committee to apply for exception under 153-4C(1).

D. Private clubs. Private clubs shall provide a nonsmoking section for customers and otherwise comply with Sec. 101.123, Wisconsin Statutes, the Clean Indoor Air Act.

§ 153-5. Signs.

A. Signs prohibiting, prohibiting except in designated areas, or permitting smoking, as the case may be, shall be posted conspicuously at every entrance and in prominent locations throughout the premises by the proprietor or other person in charge of each building, structure or public place. Signs shall contain a reference that regulation is by ordinance, such as "No Smoking - Village Ordinance No.," "Smoking Prohibited by Village Ordinance Except in Designated Areas," or equivalent. The proprietor or other persons in charge of premises regulated hereunder shall further make reasonable efforts to prevent smoking in prohibited areas by:

(1) Approaching smokers who fail to voluntarily comply with this section and request that they extinguish their smoke and to refrain from smoking upon witnessing the same or upon request of any person.

(2) Any other means which may be deemed appropriate by said proprietor, including refusal of service to anyone smoking in a prohibited public area.

B. Restaurants shall post, in a conspicuous place at each entrance normally used by the public, a sign not smaller than 11 inches by 8 1/2 inches indicating whether they are smoke-free. Each sign shall contain a nonemergency number for the Village Police Department.

C. It shall be unlawful for any person to remove, deface, or destroy any legally required "No Smoking" sign or to smoke in any place where any such sign is posted.

D. It shall be the duty of the Director of Inspections or designee, and/or the Chief of Police or designee, and they shall have the power, whenever they may deem it necessary, to enter upon the premises described in this section to ascertain whether signs required are posted and to order the posting of such signs where required. A compliance time of not less than one week shall be granted. Upon failure to comply with such written or verbal order, a citation may be issued. This enforcement procedure shall be supplementary to any other remedies provided by law.

§ 153-6. Violations and penalties.

A. Any owner or proprietor of any establishment who violates any provision of this chapter shall be required to forfeit not less than $10 nor more than $50, plus costs. Each day of violation shall constitute a separate violation.

B. Any customer of an establishment who violates any provision of this chapter for the first time shall be required to forfeit not less than $50 nor more than $100, plus costs. For a violation committed within 12 months of a previous violation, a customer shall be required to forfeit not less than $100 nor more than $200, plus costs.

C. Any person not designated in Subsections A and B above who violates any provision of this chapter for the first time shall be required to forfeit not less than $10 nor more than $50, plus costs. For a violation committed within 12 months of a previous violation, a person shall be required to forfeit not less than $25 nor more than $100, plus costs.

§ 153-7. Severability.

The provisions of this chapter are severable. If any provision of this chapter is held to be invalid or unconstitutional or if the application of any provision of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this chapter which can be given effect without the valid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Village Board that this chapter would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

§ 153-8. Effective date.

This chapter shall take effect and be in force from and after October 1, 2002.

Chapter 154

SOCIAL HOSTING

§ 154-1. Purpose and findings.

§ 154-2. Definitions.

§ 154-3. Prohibited acts.

§ 154-4. Exceptions.

§ 154-5. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 4-14-2016 by Ord. No. 5-2016.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Intoxicating liquor and fermented malt beverages — See Ch. 78.

Minors — See Ch. 101.

§ 154-1. Purpose and findings.

The Village Board of the Village of Holmen intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Village Board of the Village of Holmen finds:

A. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

C. Alcohol, which if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

D. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.

E. A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.

§ 154-2. Definitions.

For purposes of this chapter, the following terms have the following meanings:

1. **Editor's Note: This ordinance was originally adopted as Ch. 103 but was renumbered to maintain the organization of the Code.**

ALCOHOL — Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE — Alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of 1% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

EVENT OR GATHERING — Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

HOST OR ALLOW — To aid, conduct, entertain, organize supervise, control or permit a gathering or event.

IN CONTROL — The power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

PARENT — Any person having legal custody of a juvenile:

A. As natural, adoptive parent or step-parent;

B. As a legal guardian; or

C. As a person to whom legal custody has been given by order of the court.

PRESENT — Being at hand or in attendance.

RESIDENCE, PREMISES or PUBLIC OR PRIVATE PROPERTY — Any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.

UNDERAGE PERSON — Any individual under 21 years of age.

§ 154-3. Prohibited acts.

It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person fails to take reasonable steps within that person's legal authority to prevent possession or consumption by the underage person(s) and the person knows:

A. That an underage person will:

(1) Consume any alcohol or alcoholic beverage; or

(2) Possess any alcohol or alcoholic beverage with the intent to consume it; or

B. That an underage person is currently:

(1) Consuming any alcohol or alcoholic beverage; or

(2) Is in possession of any alcohol or alcoholic beverage with the intent to consume it.

§ 154-4. Exceptions.

A. This chapter does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the underage person.

B. This chapter does not apply to legally protected religious observances.

C. This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

§ 154-5. Violations and penalties.

A person who violates any provision of this chapter is subject to a forfeiture of not less than $500 nor more than $5,000, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid.

Chapter 155

SOLID WASTE

ARTICLE I
Refuse Disposal and Recycling

§ 155-1. Purpose.
§ 155-2. Statutory authority.
§ 155-3. Abrogation and greater restrictions.
§ 155-4. Interpretation.
§ 155-5. Applicability.
§ 155-6. Administration.
§ 155-7. Definitions.
§ 155-8. Unlawful deposit.
§ 155-9. Interference with refuse or recycling containers and their contents.
§ 155-10. Refuse from outside the city.
§ 155-11. Unacceptable waste.
§ 155-12. General description of collection of refuse and recyclables for village-serviced dwellings.
§ 155-13. Approved containers for refuse materials.
§ 155-14. Placing of approved refuse and recycling containers.
§ 155-15. Preparation of refuse and recyclables.
§ 155-16. Refuse collection for multiple-family dwellings.
§ 155-17. Business refuse.
§ 155-18. Abatement of refuse material nuisances.
§ 155-19. Prohibition on placing recyclable materials in refuse.
§ 155-20. Recycling responsibilities of owners or designated agents of multiple-family dwellings.
§ 155-21. Recycling responsibilities of owners or designated agents of nonresidential facilities and properties.
§ 155-22. Reporting requirements for private recyclers.
§ 155-23. Enforcement.

ARTICLE II
Dumpsters

§ 155-24. Permit required.
§ 155-25. Application.
§ 155-26. Fees.
§ 155-27. Insurance.
§ 155-28. Regulations.
§ 155-29. Enforcement; violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Refuse Disposal and Recycling
[Adopted 7-14-1994]

§ 155-1. Purpose. [Amended 10-12-2000 by Ord. No. 1.00]

The purpose of this article is to provide regulation for the proper collection and disposal of solid waste and to promote recycling, composting, and resource recovery through the administration of an effective refuse collection and recycling program, as provided in s. 287.11, Wis. Statutes, and Chapter NR 544, Wis. Administrative Code.

§ 155-2. Statutory authority. [Amended 10-12-2000 by Ord. No. 1.00]

This article is adopted as authorized under s. 287.09(3)(b), Wisconsin Statutes.

§ 155-3. Abrogation and greater restrictions.

It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.

§ 155-4. Interpretation.

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

§ 155-5. Applicability.

The requirements of this article apply to all activities related to solid waste and recycling within the Village of Holmen.

§ 155-6. Administration.

The provisions of this article shall be administrated by the Village of Holmen Board and its designated agents.

§ 155-7. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

ALUMINUM CONTAINER — An aluminum container for food or beverages.

BI-METAL CONTAINER — A container for beverages that is made primarily of a combination of steel and aluminum.

COMPOST SITE — A site designated by the Village Board where citizens may drop off yard waste meeting criteria established by the Board.

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

FOAM POLYSTYRENE PACKAGING — 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 to fill space and cushion the packaged article in a shipping container.

C. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

GLASS CONTAINER — A container in which food or beverages are sold that is made of clear, green, or brown glass. Drinking glasses or crystal are not included.

HDPE — High density polyethylene, labeled by the SPI code #2.

HOUSEHOLD NONCOMBUSTIBLE RECYCLABLE MATERIALS — Aluminum, steel, bi-metal containers, and glass containers.

LDPE — Low density polyethylene, labeled by the SPI code #4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (where the capacitor has been removed), oven, refrigerator, stove, residential and commercial furnaces, boilers, dehumidifiers, water heaters or other appliances designated by the Village Board.

MULTIPLE-FAMILY DWELLING — A building under one ownership containing three or more dwelling units, including those which are occupied seasonally.

NEWSPAPER — Newspapers printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings.

NSP — Northern States Power Company's Refuse Derived Fuel Facility on French Island. This facility processes refuse to produce fuel for generating electricity.

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

OTHER RESINS OR MULTIPLE RESINS — Plastic resins labeled by the SPI code #7.

PERSON — Includes any individual, corporation, partnership, association, and local governmental unit, as defined in s. 66.299(1)(a), Wis. Statutes, state agency or authority or federal agency.

PETE — Polyethylene terephthalate, labeled by the SPI code #1.

PLASTIC CONTAINER — An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

POSTCONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in s. 291.01(7), Wis. Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17), Wis. Stats. **[Amended 10-12-2000 by Ord. No. 1.00]**

PP — Polypropylene, labeled by the SPI code #5.

PS — Polystyrene, labeled by the SPI code #6.

PVC — Polyvinyl chloride, labeled by the SPI code #3.

RECYCLABLE MATERIALS — Includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, glass containers, steel containers, waste tires, and bi-metal containers, and other items or materials that may be designated by the Village Board.

REFUSE — Household solid waste excluding recyclable materials.

SOLID WASTE — Has the meaning specified in s. 289.01(33), Wis. Statutes. **[Amended 10-12-2000 by Ord. No. 1.00]**

SOLID WASTE FACILITY — Has the meaning specified in s. 289.01(35), Wis. Statutes. **[Amended 10-12-2000 by Ord. No. 1.00]**

SOLID WASTE TREATMENT — Any method, technique, or process that is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.

STEEL CONTAINER — A steel food or beverage container, commonly referred to as a "tin can."

VILLAGE BOARD — The Village of Holmen Board.

VILLAGE-SERVICED DWELLING — Any building containing dwelling units, or any condominiums, that receive refuse collection from the Village of Holmen.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage, or defect.

YARD WASTE — 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.

YARD WASTE SITE — A site designated by the Village Board where citizens may drop off non-woody yard waste.

§ 155-8. Unlawful deposit.

No person shall deposit or cause to be deposited in or on any public street, water, or grounds, or in any other place, any dead animal, rubbish, trash, refuse, dirt, junk, filth, offal, or any substance or material that will tend to contaminate or litter the area, or to create a strong odor or stench, or endanger public health. This section shall not apply to a sprinkling of clean sand or salt upon icy sidewalks, nor to the deposit on the person's own premises of refuse containers for collection. No person shall deposit or cause to be deposited in or near any private dumpster, trash can, or other private trash receptacle any refuse, trash, recyclable materials, or other items without the consent of the owner or authorized user of such dumpster, trash can or trash receptacle. No person shall deposit or cause to be deposited in or near any village owned or leased dumpster, trash can, or other village trash receptacle any refuse, trash, recyclable materials, or other items; except trash that is normally generated during the usual use of a village building, park, or other facility.

§ 155-9. Interference with refuse or recycling containers and their contents.

No person other than the owner, occupant, or tenant of the premises, or their agent, or the refuse collector employed by the village, or a village employee authorized by the Village Board, shall deposit any article or thing in refuse or recycling containers, or shall remove, displace, injure, deface, destroy, uncover, or disturb such containers or their contents. Recyclable materials upon placement at the alley or curb for collection shall become the property of the village.

§ 155-10. Refuse from outside the city.

It is unlawful for any person, firm or corporation to place, deposit, or cause to be deposited, for collection by the village or the village's contractor, any waste or refuse not generated within the limits of the Village of Holmen.

§ 155-11. Unacceptable waste.

No person shall place for collection any explosives, flammable liquids, liquid paint, any pesticides or toxic chemicals, carcasses, stumps, significant amounts of construction or demolition debris, soil, rocks, needles or razor blades not in a hard protective container, or human bodily wastes.

§ 155-12. General description of collection of refuse and recyclables for village-serviced dwellings.

A. The village will provide weekly collection of refuse and weekly collection of household recyclables for all village-serviced dwellings. Household recyclables will initially be household noncombustible recyclable materials. The list of items collected for recycling may be changed by order of the Village Board and become effective following public notice of such change. **[Amended 10-12-2000 by Ord. No. 1.00]**

B. Major appliances will be picked up biweekly, by appointment only. Furniture, carpet, and other approved large items will be picked up biweekly on the regular large item day, by appointment only. Brush will be chipped at curbside monthly. Nonwoody yard waste shall be composted on site of its origination or delivered to the Village yard waste site during open hours. **[Amended 5-10-2007 by Ord. No. 4.07]**

C. One bundle of waste lumber or other construction material not longer than four feet or heavier than 60 pounds may be placed for collection biweekly, by appointment only, so long as such material is not produced from a significant remodeling, construction, or demolition project that would create more than three such bundles in total; maximum of three such bundles annually. **[Amended 5-10-2007 by Ord. No. 4.07]**

§ 155-13. Approved containers for refuse materials.

Refuse from village-serviced dwellings shall be placed in a durable refuse container made of metal, rubber, plastic with two handles and fitted covers, or a strong, durable plastic bag with proper tie or closure. The owner of each village-serviced dwelling shall provide an adequate quantity of approved containers. Such containers shall not have a capacity larger than 33 gallons, and shall not weigh more than 60 pounds when filled, including the weight of the container and contents. The owner or occupant of any premise shall be responsible for promptly picking up and properly disposing of any trash or rubbish scattered by wind, rodents, or other animals.

§ 155-14. Placing of approved refuse and recycling containers.

Collection of refuse, large items, brush, and household recyclables for village-serviced dwellings will be at the alley line where alleys are available or at the curb where alleys are not available, unless otherwise approved by the Village Board. Refuse, large items, and recyclables shall be placed at the collection point not later than 5:00 a.m. on the designated collection day. Refuse containers and recycling bins shall not be placed out for collection more than 12 hours prior to collection, and shall be removed from the alley line or curb within 12 hours following collection.

§ 155-15. Preparation of refuse and recyclables.

A. Occupants of village-serviced dwellings shall separate all household noncombustible recyclable materials and clean them for recycling according to requirements established and publicized by the Village Board.

B. No person shall place any lead acid battery, waste oil, motor vehicle tire or tractor tire in or with postconsumer waste. Any person having waste oil or lead acid batteries shall take them to an appropriate private retail recycler. Motor vehicle tires and tractor tires shall be picked up weekly with the large items.

C. All discarded major appliances shall be picked up biweekly, by appointment only, with large items. **[Amended 5-10-2007 by Ord. No. 4.07]**

D. The village and the village's contracted refuse hauler will not collect refuse or recyclables not prepared in accordance with the requirements established by the village. The village and village's contracted refuse hauler will not collect refuse containing recyclable materials.

§ 155-16. Refuse collection for multiple-family dwellings.

The owner or operator of any multiple-family dwelling consisting of three or more dwelling units shall be considered a village-serviced dwelling.

§ 155-17. Business refuse.

Every business establishment shall provide for the prompt removal and proper disposal of all refuse generated by or at the business establishment. This shall include all buildings or facilities used wholly or partly for nonresidential purposes, including those owned or occupied by nonprofit organizations. Refuse generated by or at a business establishment shall not be placed along with or mixed with refuse generated at a village-serviced dwelling for collection by the village.

§ 155-18. Abatement of refuse material nuisances.

A. In case the owner or occupant of any premises or the person in charge thereof, shall refuse or neglect to comply with the provisions of this section in regard to the containment, timely removal and disposal of refuse, the Public Works Director or his/her designee shall serve personally or by first class mail a notice to the occupant of said premises, if known, and the owner of the premises, or his/her agent, requiring compliance with this section with five days after service of such notice. If service is by mail, service shall be deemed completed on the date of such mailing.

B. In case such owner, agent or occupant of said premises shall fail to comply with the requirements of said notice within the the time provided for in said notice, the Village Board, pursuant to Wis. Statutes Section 66.60(16), may cause such garbage or refuse to be removed either by contract or by having village employees do the same, and charge the cost thereof to the property owner. Upon nonpayment of such charges, such charge shall become a lien upon such property and shall automatically be extended upon the current or next tax roll as delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge.

§ 155-19. Prohibition on placing recyclable materials in refuse.

A. General prohibition. The following materials shall be separated from postconsumer solid waste. Mixing of these recyclable materials with postconsumer waste from residential, commercial, industrial, or other sources is prohibited. **[Amended 5-10-2007 by Ord. No. 4.07]**

(1) Aluminum containers.

(2) Steel or bimetal containers.

(3) Lead acid batteries.

(4) Major appliances.

(5) Waste oil.

(6) Yard waste.

(7) Waste tires from motor vehicles, trailers, or tractors.

(8) Glass containers.

(9) Newspapers.

(10) Number 1 and Number 2 plastics.

B. Prohibition of combustible recyclables in waste delivered to landfill. The following combustible materials may be mixed with postconsumer waste that is delivered to NSP, but shall not be mixed in significant quantities with waste delivered to a landfill or other disposal site. **[Amended 5-10-2007 by Ord. No. 4.07]**

(1) Corrugated paper or other container board.

(2) Foam polystyrene packaging.

(3) Magazines and other materials printed on similar paper, including glossy newspaper inserts.

(4) Office paper.

(5) Rigid plastic containers, including those made of PVC (3), LDPE (4), PP (5), PS (6), and other resins or multiple resins (7).

C. Prohibition on disposal of recyclable materials. Materials separated and collected for recycling shall not be mixed with refuse or disposed of at any landfill or incinerator, without the written permission of the Village Board; except waste tires may be burned with energy recovery in a facility licensed by the Wisconsin Department of Natural Resources. The Village Board's permission may be granted only to allow disposal of contaminated or unmarketable recyclable materials.

§ 155-20. Recycling responsibilities of owners or designated agents of multiple-family dwellings.

A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle household noncombustible recyclable materials:

(1) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

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

(3) Provide adequate, separate containers for the recyclable materials at a location convenient to tenants.

B. The preceding requirements of Subsection A(1), (2), and (3) for the owners or designated agents of multiple-family dwellings do not apply if the refuse generated within the multiple-family dwellings is delivered to and treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling all noncombustible recyclable materials in as pure a form as is technically and practically feasible.

§ 155-21. Recycling responsibilities of owners or designated agents of nonresidential facilities and properties.

A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle all noncombustible recyclable materials:

(1) Provide adequate, separate containers for the recyclable materials.

(2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.

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

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

B. The preceding requirements of Subsection A(1) through (4) for the owners or designated agents of nonresidential facilities or property dwellings do not apply if the refuse generated within the facility or property is delivered to and treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling all noncombustible recyclable materials in as pure a form as is technically and practically feasible.

§ 155-22. Reporting requirements for private recyclers.

All solid waste haulers, recycling pick-up stations, recycling centers, recycling processing centers, and reverse vending machine operators that collect or accept steel or bi-metal cans, glass jars and bottles, or newsprint from residential sources in the Village of Holmen shall report quarterly to the village the quantity in weight of each of those materials that they have collected for recycling. Such data shall be reported to the Village Administrator's office not later than 45 days after the end of March, June, September, and December of each year. Quantities reported shall be based on actual weights, or an estimated weights if the estimates are made using a method approved by the Director of Public Works. These reporting requirements may be waived by the Village Board if the data is not required to comply with state or federal requirements, or to assist the village in obtaining grants or other financial assistance.

§ 155-23. Enforcement.

A. For the purpose of ascertaining compliance with the provisions of this article, and authorized representative of the Village Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized representative of the Village Board who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

B. Any person who violates a provision of this article may be issued a citation by the Village of Holmen Police Department or an authorized agent of the Village Board. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

C. Penalties for violating this article may be assessed as follows:

(1) Any person who violates the Prohibition on Disposal of Recyclable Materials Separated for Recycling, Sec. 9.15(U)(3), may be required to forfeit $50 for a first violation, $200 for a second violation, and not more than $2,000 for a third or subsequent violation.

(2) Any person who violates a provision of this article except Sec. 9.15(U)(3), may be required to forfeit not less than $10 nor more than $1,000 for each violation.

ARTICLE II
Dumpsters
[Adopted 5-13-1999]

§ 155-24. Permit required.

No person or business engaged in the business of leasing dumpsters or refuse containers for the storage of materials discarded or used in the process of construction or alterations of buildings are to place or allow for placement such dumpsters or refuse containers in any street, alley, highway, sidewalk or other public way within the village without first obtaining a permit from the Village Clerk.

§ 155-25. Application.

Application for the dumpster or refuse container business permit shall be on forms provided by the Village Clerk's office. Each person engaged in the business of leasing to others dumpsters or refuse containers which are placed in any street, alley, highway, sidewalk or other public way within the village for the storage of materials discarded or used in the process of construction or alterations of structures or buildings shall make a separate application and said permit shall be valid for the period of time specified thereon, not to exceed 28 days. Permits will not be issued from November 1 to April 1.

§ 155-26. Fees.

The permit fee for each person engaged in the business of renting or leasing to others the use of dumpsters or refuse containers which are placed in the street or other public ways within the village shall be $10 per permit.

§ 155-27. Insurance.

Prior to the issuance of a permit provided for in this section, the permittee must furnish the Village Clerk satisfactory written evidence that it has in force and will maintain during the term of the permit public liability insurance of not less than $200,000 for one person, $500,000 for one accident and property damage insurance of not less than $100,000. Each permittee shall also furnish to the village a certificate of insurance naming the Village of Holmen as additional insured, and evidence of the same shall be on file with the Village Clerk at all times during the term of the permit.

§ 155-28. Regulations.

A. Each dumpster or refuse container shall have posted thereon the name, address and phone number of the lessor or owner of said dumpster or refuse container.

B. Each dumpster or refuse container shall be equipped with reflectorized tape or other reflector devices adequate to warn others of its presence during night hours.

C. No dumpster or refuse container shall be placed in a moving lane of traffic.

D. Each permittee shall notify the Village Clerk of the location of all dumpsters or refuse containers placed in any streets, alleys, highways sidewalks or other public ways within the Village of Holmen.

E. Each permittee shall comply with any order of the Village Clerk to remove any dumpster or refuse container should the placement or location of the dumpster or refuse container constitute a safety hazard.

F. No dumpster or refuse container shall be placed so as to interfere with public works construction being performed by the village.

G. Each permittee shall place flashing lights on at least two sides of each dumpster or refuse container during hours of darkness.

H. No dumpster or refuse container shall be placed within 25 feet of any intersection.

§ 155-29. Enforcement; violations and penalties.

Any person who violates a provision of this article may be issued a citation by the Village of Holmen Police Department or an authorized agent of the Village Board. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section. Any person who violates a provision of this article may be required to forfeit $50 for the first violation, $200 for a second violation, and not more than $2,000 for a third or subsequent violation.

Chapter 157

STORMWATER UTILITY

§ 157-1. Stormwater Utility established.
§ 157-2. Authority.
§ 157-3. Management and operations.
§ 157-4. Powers and duties.
§ 157-5. Definitions.
§ 157-6. Rates and charges.
§ 157-7. Credits.
§ 157-8. Customer classifications.
§ 157-9. Billing and penalties.
§ 157-10. Appeals.
§ 157-11. Special assessment and charges.
§ 157-12. Severability.

[HISTORY: Adopted by the Village Board of the Village of Holmen 11-8-2007 by Ord. No. 8.07. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.
Erosion control and stormwater management — See Ch. 56.
Excavations — See Ch. 58.
Land division — See Ch. 90.
Zoning — See Ch. 195.

§ 157-1. Stormwater Utility established.

The Holmen Stormwater Utility is hereby established as a separate utility of the Village to operate and maintain the stormwater management facilities and functions of the Village in accordance with the policies and directives of the Village Board and this chapter.

§ 157-2. Authority.

The Stormwater Utility is created pursuant to the authority provided in Chapters 61 and 66 of the Wisconsin Statutes including, without limitation, the authority granted in the following sections: §§ 61.34, 61.36, 66.0621, 66.0627, 66.0701, 66.0703, 66.0809, 66.0811, 66.0813 and 66.0821.

§ 157-3. Management and operations.

The operation of the Stormwater Utility shall be under the general supervision of the Public Works Committee and the Village Board. The Public Works Director will oversee and be in charge of the day-to-day operations of the Utility.

§ 157-4. Powers and duties.

A. Facilities. The Village, through the Stormwater Utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, manage and finance such facilities as are deemed proper and reasonably necessary for a system of

storm and surface water management. Such facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds, basins, streets, roads, ditches and such other facilities as will support a stormwater management system.

B. Rates and charges. The Village Board shall annually establish such rates and charges as are necessary to finance any necessary property or easement acquisition and the planning, design, construction, maintenance and operation of stormwater management facilities in accordance with the procedures set forth in this chapter for the Stormwater Utility. The Village may advance funds or services to the Stormwater Utility from time to time and the Utility shall reimburse the actual amount or value of such advances as determined by the Village Board.

C. Budgeting process. The Administrator and the Public Works Director shall prepare an annual budget for the stormwater utility, which shall include all operation, maintenance and capital costs, debt service and other costs related to the operation of the utility. The costs shall be allocated among the various rate classifications as determined by the Village Board. The budget shall be approved by the Board in accordance with the procedures and requirements of Wis. Stats. § 65.90.

D. Excess revenues. All stormwater fees collected, and any other revenues appropriated to, or attributable to the operation of, the stormwater utility shall be maintained in a segregated Stormwater Utility Special Revenue Fund. Any excess of revenues over expenditures from stormwater utility operations in a given year shall be maintained in the Special Revenue Fund and shall be used in future years exclusively for purposes consistent with this chapter.

§ 157-5. Definitions.

As used in this chapter, the following terms have the meanings set forth below:

DIRECTOR — The Public Works Director or his or her designee.

DUPLEX — A residential property containing two dwelling units.

DUPLEX UNIT — A dwelling unit within a duplex.

DWELLING UNIT — One or more rooms within a building that are arranged, designed or used as living quarters for one group of individuals living as a single housekeeping unit. For purposes of this chapter, to include those areas as defined in § 56-2 of this Code.

EQUIVALENT RUNOFF UNIT or ERU — The estimated average horizontal measurement of impervious area of a fully developed single-family parcel within the Village as determined from time to time by the Village Board. One ERU is determined on the effective date of this chapter to be equivalent to 3,550 square feet.

EXEMPT PROPERTY — All existing Village or publicly owned lands and buildings that will not be charged a fee by the Stormwater Utility, as determined by the Village Board.

FARMSTEAD HOME SITE — That portion of any agriculturally zoned property which contains a single-family home, duplex unit or multifamily unit, regardless of whether the dwelling unit is on a separate lot or parcel.

IMPERVIOUS AREA or IMPERVIOUS SURFACE — A horizontal surface, or the horizontal area included in a sloped surface, that is compacted or covered with a layer of material such that it significantly reduces the ability of rainwater or other surface water to penetrate the ground below. The term includes, but is not limited to, semi-impervious surfaces such as compacted gravel or clay, as well as streets, roofs, sidewalks, patios, parking lots, driveways and other similar surfaces. For purposes of this chapter, to include those areas as defined in § 56-2 of this Code.

LOT — The meaning defined in § 90-3 and § 195-9 of this Code.

MULTIFAMILY PROPERTY — A residential building consisting of three or more dwelling units, including those occupied seasonally.

MULTIFAMILY UNIT — A dwelling unit within a multifamily property.

NONRESIDENTIAL PROPERTY — Any developed lot or parcel other than residential property as defined herein, and includes, but is not limited to, transient rentals (such as hotels and motels), mobile-home parks, commercial, industrial, institutional, governmental property and parking lots. For purposes of this chapter, to include those areas as defined per § 155-7 of this Code.

RESIDENTIAL PROPERTY — Any lot, parcel or farmstead home site developed for residential purposes including single-family homes, duplex units, multifamily units, but not including transient rentals (such as hotels and motels) and mobile-home parks.

SINGLE-FAMILY HOME — Any residential building containing only one single-dwelling unit.

UNDEVELOPED PROPERTY — Property that has not been altered by the addition of any improvements such as a building or other structure, paving or the installation of substantial impervious landscaping; A property shall be considered developed pursuant to this chapter, upon issuance of a certificate of occupancy, or upon substantial completion of construction if no such certificate is issued or where construction is at least 50% complete and construction is halted for a period of three months.

§ 157-6. Rates and charges.

A. The rates charged by the Stormwater Utility shall be set annually by the Village Board at sufficient levels to fund the capital, operating and other expenses set forth in the adopted budget which is not funded by other sources of revenue. Service charges so established shall be in addition to any assessments or charges imposed under any other provision of this Code.

B. A copy of the current rates shall be maintained at all times on file with the Village Clerk and available to the public during normal business hours.

C. Service charges established by the Village Board may include the following components:

(1) Base charge (BC). A base charge may be charged to each property in the Village based upon its total area determined from annual tax records.

(2) Equivalent runoff unit (ERU) charge. The ERU charge shall be the basic service fee charged to each parcel in the Village based upon the amount of impervious area as reasonably determined by the Village Engineer.

(a) Special charge (SC). A special charge may be imposed on property located in an area specially benefited by a particular stormwater management facility or service. Any special charge will be developed to reflect the benefits and/or services in a particular area which the Board determines cannot equitably be charged to all property throughout the Village.

(b) Connection charge. A one-time charge may be imposed when a property is converted from undeveloped to developed property or otherwise becomes connected to the Village stormwater management system. The charge shall be set annually by the Village Board, and may vary based on the size of the parcel of property or other factors determined appropriate by the Village Board.

D. The Village Board may make such other classifications of properties or customers in order to achieve a reasonable and fair allocation of the costs of the Stormwater Utility among the properties benefited.

§ 157-7. Credits.

A. Effective July 15, 2008, the Village Board may grant credits against the ERU and SC as provided in this section. The total of all credits may not exceed 50% of the total of all applicable charges, excluding the BC. Parcels being charged 10 ERUs or less are ineligible to apply for credits. Credits may not be issued retroactively.

B. Any qualifying property owner requesting a credit shall file with the Director by July 15 each year an application therefor on a form provided by the Village, together with a review fee established by the Village Board, identifying the stormwater facilities, management practices or services for which the credit is claimed and the financial benefit to the utility. If the Village Engineer determines that additional engineering analysis is necessary to properly complete his or her review and to make an appropriate recommendation thereon, the Village may deny the application unless the applicant agrees to pay the cost of the necessary engineering services. Approved credits will become effective January 1 of the year following approval by the Village Board.

C. Credits may be granted under any of the following circumstances:

(1) Any qualifying property owner may seek a credit against the ERU charge where the owner has installed and maintained facilities that result in the detention, retention, or infiltration of stormwater on site and such facilities demonstrably reduce the financial obligations of the stormwater utility above and beyond that minimum required by law. For qualifying SWMU customers, a credit up to 50% of the utility fee, less the BC, could be obtained by detaining stormwater. For

example, if an on-site detention pond on a newly developed site detains the one hundred-year storm and releases a peak discharge equal to the two-year storm during predeveloped site conditions, a fifty-percent credit (excluding the BC) would be possible. The table below defines possible credits for qualifying properties:

Storm Size (years)	Credit
0 to 5	0% to 10%
10	20%
25	30%
50	40%
100	50%

(2) Any qualifying property owner may seek a credit against the ERU charge for that portion of the property that does not drain into any stormwater conveyance or facility operated or maintained by the stormwater utility in an amount above and beyond that minimum required by law.

(3) Any qualifying property owner may seek a credit against the SC charge if stormwater from the property does not drain into any stormwater conveyance or facility that is the subject of the special charge in an amount above and beyond that minimum required by law.

D. The Village Engineer shall evaluate the quantifiable benefits in both quantity and quality management measures in reviewing requests for credits, where applicable. In all cases, the Village Engineer shall submit a written recommendation to the Village Board as to whether a request for credit should be granted, denied, or granted in part and denied in part. The written recommendation shall also set forth the reason or reasons for such recommendation.

E. Credit applications shall be decided by the Village Board and shall be either one-time credits or may be continuing credits against recurring charges as determined appropriate based on the recommendation of the Village Engineer. The Village Engineer shall recommend a credit under Subsection C(1) only if he/she finds all of the following:

(1) If the credit is based on special facilities or management practices under Subsection C(1);

(a) The facilities installed or practices undertaken will reduce the expenses incurred by the utility by limiting the quantity and/or improving the quality of discharges into the facilities of the utility from the property in an amount above and beyond that minimum required by law;

(b) The qualifying property owner has, by contract, deed restriction or other method approved by the Village Engineer, ensured that the Village may legally enforce any operational or maintenance programs necessary to assure

that the facilities or practices will continue to provide the benefits on which the credit is based;

(c) The investment of the qualifying property owner in the facilities or management practices exceeded the investment that would otherwise be necessary in order to comply with any other Village ordinance, state or federal regulations or to obtain any land division or development approval from the Village;

(d) The investment of the qualifying property owner in such facilities or management practices is disproportionate to the investment made by the average property owner subject to the same normal charges such that it would be inequitable to charge the applicant on the same basis; and

(e) The amount of the credit does not exceed the cost savings to the utility from the facilities and management practices maintained by the qualifying applicant up to 50% of the utility fees less the BC.

(2) If the credit is based on Subsection C(2) or (3):

(a) That the absence of drainage from the property or a portion thereof into the facilities of the Utility results in financial savings to the Utility.

(b) Adequate assurances are provided that the area of the property for which the credit is given will not be altered in such a way as to allow drainage into the facilities operated by the Utility.

(c) The drainage from the property is managed in a way which complies with all Village ordinances and does not cause a nuisance condition.

(d) The amount of the credit does not exceed the cost savings to the utility determined under Subsection E(2)(a).

F. The Utility may revoke the credit in any case where, based on the opinion of the Village Engineer, the circumstances forming the basis for the credit have materially changed. The Utility shall provide at least 30 days advance written notice of any proposed credit revocation.

G. A denial or revocation of any credit may be appealed under § 157-10.

§ 157-8. Customer classifications.

A. For purposes of imposing the ERU charges, all lots and parcels within the Village shall be classified into the following six customer classes:

(1) Residential – single family;

(2) Residential – duplex;

(3) Residential – Multifamily, including condominiums;

(4) Nonresidential;

(5) Undeveloped;

(6) Exempt.

B. The Village Engineer shall prepare a list of properties within the Village and assign a customer classification to each lot or parcel.

C. ERUs shall be calculated for each property classification as follows:

(1) Residential – single family: one ERU.

(2) Residential – duplex: two ERUs.

(3) Residential – multifamily: one ERU per dwelling unit.

(4) For nonresidential parcels, the Village Engineer shall be responsible for determining the impervious area from available information, including, but not limited to, data supplied by the Village Assessor, the property owner, tenant or developer, aerial photography, or by actual on-site measurement. The Village Engineer may require additional information from the property owner as necessary to make the determination. The ERU value for a nonresidential property shall be determined by dividing its impervious area by the number of square feet per ERU and rounding the quotient to the next higher .1 ERU. The minimum ERU charge to nonresidential properties will be 1 ERU. The billing amount shall be updated by the Utility as necessary based on changes to the amount of impervious area on the property.

(5) Undeveloped properties – zero ERU, are subject to the BC.

(6) Exempt – zero ERU, are not subject to the BC.

§ 157-9. Billing and penalties.

A. Stormwater Utility charges will be billed quarterly with the water utility, sanitary sewer utility and refuse billing. All charges shall be due and payable 20 days after the date of billing.

B. Billings for applicable charges shall be mailed to the designated property owner. The owner of the property shall be liable for all stormwater utility charges in the event payment is not made as required in this chapter. The owner of any property served which is occupied by tenants shall have the right to examine collection records of the Village to determine whether such charges for such property have been paid at the office of the Utility Billing Clerk during normal business hours.

C. Any Stormwater Utility charges remaining unpaid more than 20 days from the date of billing shall be deemed delinquent and shall be subject to a 1 1/2 % per month (18% APR) late payment charge in addition to all other charges. All delinquent charges shall be collected as provided in Wis. Stats. §§ 66.0821(4) and 66.0809.

§ 157-10. Appeals.

A. Any Stormwater Utility charge, determination of ERUs, or ERU credits for any individual qualifying property may be appealed by filing a written appeal with the Village Clerk not later than 20 days after the date the payment is due. The appeal shall specify all bases for the appeal and the amount of the stormwater charge the appellant asserts is appropriate. Any appeal not filed within the time permitted by this section shall be deemed waived. As a condition to maintaining an appeal, the appellant shall pay all charges billed under protest prior to filing the appeal.

B. The Village Engineer shall review the appeal and determine whether the challenged determination is fair and reasonable and consistent with the provisions of this chapter, and whether a refund is due the customer. The Village Engineer shall determine his/her procedure for deciding such appeals which, at a minimum, shall provide the appellant with written notice by regular mail at least 10 days prior to the Public Works Committee meeting at which the appeal will be reviewed, and an opportunity to present evidence and be heard on the appeal at such meeting. The Village Engineer shall provide the appellant with the Committee's decision in writing within 15 days after the date of the decision.

C. The appellant may appeal the decision of the Committee to the Village Board. The appeal must be filed in writing with the Village Clerk within 30 days from the date of the decision. An appeal to the Village Board shall be limited to the evidence presented to the Public Works Committee, but the appellant shall be afforded the opportunity to present arguments based on that evidence.

D. If the Village Engineer, Public Works Committee or the Board determines that the decision appealed from should be reversed or modified, it shall determine whether a refund is due the customer. Any refund ordered shall be applied as a credit against the customer's next stormwater billing if the refund will not exceed the customer's next stormwater billing, and otherwise will be refunded by the Village Treasurer.

§ 157-11. Special assessment and charges.

A. In addition to any other method for collection of the charges established pursuant to this chapter for Stormwater Utility costs, the Village Board may order that the charges be levied against the property as a special charge pursuant to Wis. Stat. § 66.0627. The mailing of an invoice reflecting the charges due to the owner shall be notice to the owner that failure to pay the charges when due may result in such charges being placed upon the tax roll. A ten-percent administrative handling fee will be applied.

B. In addition to any other method of charging for Stormwater Utility expenses, the Village Board may, by resolution, levy special assessments on property in a limited and determinable area for special benefits conferred upon property by any public improvements pursuant to Wis. Stat. § 66.0703. The failure to pay such special assessments shall result in a lien on the property and shall be enforced pursuant to Wis. Stat. § 66.0703(13).

§ 157-12. Severability.

If any provision of this chapter is found to be invalid or unenforceable for any reason, such determination shall not affect the validity or application of, the remaining provisions. A determination of invalidity or unenforceability of any provision as applied to any specific property or circumstance shall not affect the validity and application of such provisions to any other property or circumstances.

Chapter 159

STREETS AND SIDEWALKS

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Construction and Maintenance of Sidewalks

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§ 159-2. Construction standards.

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§ 159-4. Failure of owner to comply.

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Illicit Obstructions and Activities in Right-of-Way

§ 159-22. Illicit obstructions and activities in right-of-way (ROW).

§ 159-23. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.
Excavations — See Ch. 58.
Land division — See Ch. 90.
Zoning — See Ch. 195.

ARTICLE I

Construction and Maintenance of Sidewalks [Adopted 9-5-1952]

§ 159-1. Owners required to build.

The owner, owners or occupant of any lot, lots, part of lot or any parcel of land within the Village of Holmen which shall be designated by the President and Trustees, in an order issued by them, as hereinafter provided, shall, and they are hereby required, to build, construct and perpetually maintain sidewalks along their respective lots, parts of lots and parcels of land, according to the specifications enumerated in § 159-2 of this article, at their individual expense and cost.

§ 159-2. Construction standards. [Amended 5-9-1996; 10-12-2000 by Ord. No. 1.00]

All sidewalks hereafter constructed or reconstructed shall consist of concrete constructed according to the specifications of the Village.

A. Specifications. No new sidewalk upon any street, and no old walk, shall be substantially reconstructed upon any street unless such new or substantially reconstructed walk shall be of concrete and constructed in substantial accord with the following specifications:

(1) All sidewalks built upon the streets shall be built of concrete and of a width of five feet and a depth of four inches (six inches at the driveway). The sidewalk shall be located six inches from the edge of the street right-of-way. The elevation of the back of the sidewalk shall be four inches above the top of the curb.

(2) All persons intending to have sidewalk built under the provisions of this article shall notify the Board of Trustees of the amount of walk to be built, not less than 10 days before the same is constructed, and no person shall build any concrete sidewalk until he is first granted permission by the Village.

(3) If any person builds a concrete sidewalk without first having been granted such permission he shall be liable to be arrested and fined not less than $50 and not more than $200 and costs.

§ 159-3. When order is to be given by Board. [Amended 10-12-2000 by Ord. No. 1.00]

Whenever any new sidewalk is required to be constructed, or any sidewalk, in consequence of damage or decay, is required to be reconstructed or made anew, the President and Trustees shall issue an order directed to the owner, owners, or occupant of the lot, lots, part of lot or parcel of land, along and in front of which such new sidewalk is required to be constructed, and made anew, directing such owner, owners or occupant to construct such new sidewalk or reconstruct such damaged or decayed sidewalk (as the case may be), within the time specified in such order, and in accordance with the class of specifications therein designated. They shall cause a copy of such order to be served personally upon such owner, owners or occupant; in lieu thereof shall cause such order to be posted in at least three conspicuous

places within the Village, at least six days before the time at which such sidewalk is required to be completed.

§ 159-4. Failure of owner to comply.

If any owner, owners or occupant of any lot, lots, part of lot or parcel of land shall refuse or neglect to comply with the order of the President and Trustees, issued as required in § 159-3

of this article, the said President and Trustees shall, without unnecessary delay, after the expiration of the time designated in such order, proceed in the manner to be determined by them, and let the contract for the construction or reconstruction (as the case may be) of such sidewalk to the lowest bidder and the sum awarded and paid upon such contract, together with all costs and expenses incurred in the letting of such contract and in the building of such sidewalk, shall be entered by the Village Clerk in the next annual tax roll against the property along and in front of which such sidewalk shall be constructed or reconstructed and the Treasurer shall collect the same with the other taxes against such property.

§ 159-5. Duty of Director of Public Works.

The Director of Public Works of the Village of Holmen shall have supervision of all sidewalks and all grounds allotted for sidewalk purposes within the corporate limits of the Village, and it shall be his duty to see that they are kept free from encumbrance and in good repair.

§ 159-6. Removal of obstructions and repairs to be made. [Amended 10-11-1996]

Whenever any portion of sidewalk or sidewalk grounds shall be obstructed or whenever any portion of sidewalk shall be in need of repair, it shall be the duty of said Director of Public Works immediately to notify the owner, owners or occupant of the lot or premises in front of which such damaged or obstructed sidewalk or grounds may be, to remove such obstruction, or repair such damaged sidewalk as the case may be. The Village Board shall have the option of funding the repairs for sidewalks that have deteriorated under normal circumstances or the removal of the obstruction.

§ 159-7. Refusal or neglect of owner to repair.

If any owner, owners, or occupant of any premises in front of which any obstructed or damaged sidewalk or obstructed sidewalk grounds may be, shall refuse or neglect for the space of 24 hours after notification and request, as provided in the preceding section, to remove such obstruction or repair such sidewalk as the case may be, it shall be the duty of the said Director of Public Works to remove such obstruction or repair such damaged sidewalk, and the amount of the compensation of the Director of Public Works in each case shall be entered by the Village Clerk in the next annual tax roll against the property in front of which such damaged or obstructed sidewalk or grounds may be, and the Treasurer shall collect the same with the other taxes against such property.

§ 159-8. Director of Public Works to report.

It shall be the duty of the Director of Public Works to report to the President and Trustees, at their next stated meeting thereafter each and every notification required by § 159-6 of this article, together with his action in, and the amount of time that he has devoted to each particular case; and whenever, in his opinion, any portion of sidewalk shall be so much damaged or decayed as to require to be reconstructed or made anew in order to make it

conform to existing ordinances he shall report such fact before taking any other action in the case.

§ 159-9. Recovery of damages by owner. [3]

The owner, owners or occupant of any lot, lots, part of lot or parcel of land, who has been required to construct and maintain and who has constructed or does maintain a sidewalk along or in front of such lot, lots or part of lot or parcel of land, shall be entitled to recover damages in an action at law against any person who, by himself or his agent or property shall injure, deface, besmear or in any manner damage such sidewalk. In case such damage, defacing, or besmearing shall be caused through neglect or willful trespass or malice, the person so causing it as aforesaid shall be deemed guilty of an offense and upon such conviction shall be fined in a sum not exceeding $100 and the costs of the prosecution and shall be committed to the county jail for La Crosse County until such fine and costs are paid but such imprisonment shall not exceed 20 days.

ARTICLE II
Excavations and Openings
[Adopted 10-5-1978]

§ 159-10. Permit required.

No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village without first obtaining a permit therefor from the Board of Public Works.

§ 159-11. Permit fee. [4]

The fee for a street opening permit shall be $10 and shall be paid to the Village Treasurer who shall issue his receipt therefor.

§ 159-12. Bond.

Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk an indemnity bond in the sum of $3,000, conditioned that the applicant will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any openings he may make, as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Board of Public Works for a period of one year. Such bond shall be further conditioned that he will observe the provisions of all state laws, ordinances, rules and regulations governing the issuance of permits under this article. Such bonds may be filed

3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

4. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

individually for each excavation, or an annual bond may be given covering all excavation work done by the principal for one year beginning January 1.

§ 159-13. Insurance.

Prior to commencement of excavation work, a permittee must furnish the Board of Public Works satisfactory evidence that he has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than $100,000 for one person, $300,000 for one accident and property damage insurance of not less than $50,000.

§ 159-14. Regulations governing street and sidewalk openings.

A. No opening in the streets or sidewalks for any purpose shall be permitted for any purpose when the ground is frozen, except where necessary as determined by the Village Engineering Department.

B. In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and, together with the excavated material from trenches, shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

C. Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Lights shall be installed according to the Wisconsin Department of Transportation Manual of Uniform Traffic Control Devices (latest edition), kept burning from sunset to sunrise, lights to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Village Engineering Department, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such openings shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as costs of any appeal, that may result from neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

D. In opening any street or sidewalk, the paving materials, sand, gravel, and earth or other materials moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Village Engineering Department is not suitable for refilling shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than six inches in depth and each layer remmed, tamped or flushed to prevent aftersettling. When the side of the trench will not stand perpendicularly, sheathing and

braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining for one year shall be charged to the person making the street opening.

§ 159-15. Excavation in new streets limited.

Whenever the Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Board, the Board of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Board of Public Works an emergency exists which makes it absolutely essential that the permit be issued.

§ 159-16. Emergency excavations authorized.

In the event of an emergency, any person, agent or employee owning or controlling any sewer, water main, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

§ 159-17. Village work excluded.

The provisions of this article shall not apply to excavation work under the direction of Public Works by Village employees or contractors performing work under contract with the Village, necessitating openings or excavations in Village streets, which openings or excavations shall be regulated by the contract between the Village and the contractor.

ARTICLE III
Snow and Ice Removal
[Adopted 1-8-1998; amended in its entirety 3-13-2003 by Ord. No. 1.03]

§ 159-18. Snow and ice removal by property owners required.

In accordance with Section 66.0907(5) of the Wisconsin Statutes, all property owners, (except those specifically exempted by the Village Board) located in the Village of Holmen are hereby required to remove snow and ice accumulated on public sidewalks adjacent to and on their property within 48 hours after a snowfall.

§ 159-19. Failure to comply; removal by Village; collection of costs.

Upon any property owner's failure to remove said snow or ice within the allotted period of time, the Village of Holmen does hereby authorize the Village of Holmen Public Works Department or their designee to remove said snow or ice and charge the property owner the cost of removal, but not less than $100 per violation. If any amount assessed to the property owner an any lot or parcel of land so charged is unpaid, the Village Clerk is hereby authorized to enter said unpaid amount on the tax roll as a special charge against said lot or parcel of land in question and the same shall be collected in all respects like other taxes upon real estate.

§ 159-20. Deposit of snow or ice into public places in Village prohibited; exemptions. [Added 10-11-2018 by Ord. No. 2-2018]

No person shall throw or put, or cause to be thrown or put, any snow or ice into any street, avenue or other public place in the Village. The only locations in the Village exempt from this section are Main Street between Roberts Street and Long Coulee Road and State Street from Main Street to 1st Avenue unless there is a grassy boulevard present in the area otherwise exempted.

§ 159-21. Violations and penalties. [Added 10-11-2018 by Ord. No. 2-2018]

Any person who violates § 159-20 shall upon conviction thereof forfeit not less than $100 nor more than $500 for the first offense and not less than $200 nor more than $1,000 for a subsequent offense, plus court costs.

ARTICLE IV
Illicit Obstructions and Activities in Right-of-Way
[Adopted 5-9-2024 by Ord. No. 4-2024]

§ 159-22. Illicit obstructions and activities in right-of-way (ROW).

Without permission or permit from the Village of Holmen, it shall be unlawful to block or to use the public right-of-way (ROW), to include any street, alley, sidewalk, public easement or other public ROW in any manner whatsoever, that may create unsafe movements therein, may impede movement upon, may impede movement through, may create disruptions therein, may violate the public nature and use of the ROW's purpose or may obscure the general practical and intended use of any such ROW, in any manner.

A. An example of an illicit obstruction may be anything even partially blocking the ROW, such as the sidewalk or street (even in a subtle manner), such as a basketball hoop or other play equipment, individuals or gatherings or groups congregating, small or large forms of machinery, construction equipment or the like thereof, yard materials, dumpsters, unlicensed vehicles or trailers or any items privately stored or placed in the ROW without permission or permit.

B. An example of an illicit activity and use of the ROW may be anything illegally operating or transacting within the ROW, such as the operation of commercial

transactions within the ROW, parked food trucks or delivery trucks, food truck or other transient sales, the repair and maintenance of any privately owned equipment or vehicles, the parking of any commercial vehicles on streets in any residentially zoned districts, the parking of private vehicles over sidewalks in driveways or any use of the ROW without permission or permit which creates any undesired public obstruction, creates a violation of any zoning district provision(s) or is privately self-serving at the expense of the public good.

§ 159-23. Violations and penalties.

Any person who violates § 159-22 shall be subject to citation and forfeiture of no less than $100, yet no more than $500 for the first offense, and no less than $200, yet no more than $1,000 for each subsequent offense, plus court costs.

Chapter 164

TAXATION

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Hotel and Motel Room Tax

§ 164-1. Definitions.
§ 164-2. Tax imposed.
§ 164-3. Clerk to administer.
§ 164-4. Permit required; fee.
§ 164-5. Issuance and display of permit.
§ 164-6. Revocation of permit; fee for reissuance or renewal.
§ 164-7. Liability on sale of business.
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§ 164-9. Failure to file return.
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§ 164-11. Records.
§ 164-12. Returns confidential.
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ARTICLE II
Room Tax Commission

§ 164-20. Membership and organization.
§ 164-21. Meetings.
§ 164-22. Powers.
§ 164-23. Statutory authority.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Assessments — See Ch. 18.

ARTICLE I
Hotel and Motel Room Tax
[Adopted 4-9-1998]

§ 164-1. Definitions.

The following definitions shall be applicable in this article:

GROSS RECEIPTS — Has the meaning as defined in Sec. 77.51(4)(a),(b) and (c), Wis. Stats., insofar as applicable. **[Amended 10-12-2000 by Ord. No. 1.00]**

HOTEL or MOTEL — A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, irrespective of whether membership is required for use of the accommodations, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanitariums or nursing homes, or by corporations or associations organized and operated exclusively for

religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

TRANSIENT — Any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public.

§ 164-2. Tax imposed.

Pursuant to Sec. 66.75, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public irrespective of whether membership is required for the use of the accommodations. Such tax shall be at a rate of 5% of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Sec. 77.52(2)(a)1, Wis. Stats.

§ 164-3. Clerk to administer.

This article shall be administered by the Village Clerk. The tax imposed for each calendar quarter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the Village Clerk by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period and such other information as the Village Clerk deems necessary. The return shall be accompanied by a copy of the Wisconsin Sales Tax Return filed by the person filing the room tax return for the same period of time set forth in the room tax return. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns and shall contain certain such additional information as the Village Clerk requires. Such annual returns shall be made on forms as prescribed by the Village Clerk. All such returns shall be signed by the person required to file a return or his duly authorized agent, but need not be verified by oath. The Village Clerk may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

§ 164-4. Permit required; fee. [Amended 10-13-2005 by Ord. No. 5.05]

Every person furnishing rooms or lodging under § 164-2 shall file with the Village Clerk an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the Village Clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business, and such other information as the Village Clerk requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers. At the time of making an application, the applicant shall pay to the Village Clerk a fee for each permit in an amount as established annually by the Village Board.

§ 164-5. Issuance and display of permit.

After compliance with §§ 164-4 and 164-10 by the applicant, the Village Clerk shall grant and issue to each applicant a separate permit for each place of business within the village. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall, at all times, be conspicuously displayed at the place for which issued.

§ 164-6. Revocation of permit; fee for reissuance or renewal. [Amended 10-13-2005 by Ord. No. 5.05]

Whenever any person fails to comply with this article, the Village Clerk may, upon 10 days' notification and after affording such person the opportunity to show cause why his permit should not be revoked, revoke or suspend any or all of the permits held by such person. The Village Clerk shall give to such person written notice of the suspension or revocation of any of his permits. The Village Clerk shall not issue a new permit after the revocation of a permit unless he is satisfied that the former holder of the permit will comply with the provisions of this article. A fee, in an amount established annually by the Village Board, shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.

§ 164-7. Liability on sale of business.

If any person liable for any amount of tax under this article sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the Village Clerk that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this article fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

§ 164-8. Audits.

A. The Village Clerk may, by office audit, determine the tax required to be paid to the village or the refund due to any person under this article. This determination may be made upon the basis of the facts contained in the return being audited, or on the basis of any of the information within the Village Clerk's possession. One or more such office audit determinations may be made of the amount due for anyone or for more than one period.

B. The Village Clerk may, by field audit, determine the tax required to be paid to the village or the refund due to any person under this article. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the Village Clerk's possession. The Village Clerk is authorized to examine and inspect the books, records, memoranda and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the Village Clerk from making a determination of tax at any time.

§ 164-9. Failure to file return.

A. If any person fails to file a return as required by this article, the Village Clerk shall make an estimate of the amount of the gross receipts under § 164-2. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the Village Clerk's possession or may come into his possession. On the basis of this estimate, the Village Clerk shall compute and determine the amount required to be paid to the village, adding to the sum thus arrived at a penalty equal to 10% thereof. One or more determinations may be made for one or more than one period.

B. All unpaid taxes under this article shall bear interest at the rate of 18% per annum from the due date of the return until the first day of the month following the month in which the tax is due or deposited with the Village Clerk.

C. Delinquent tax returns shall be subject to a late filing fee of $10. The tax imposed by this article shall become delinquent if not paid:

(1) In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after the expiration of an extension period if one has been granted.

(2) In the case of no return filed or a return filed late, by the due date of the return.

D. If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of 25% of the tax exclusive of interest or other penalties. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this article, a penalty of 50% shall be added to the tax required to be paid, exclusive of interest and other penalties.

§ 164-10. Bond.

In order to protect the revenue of the village, the Village Clerk may require any person liable for the tax imposed by this article to place with him, before or after a permit is issued, such security, not in excess of $5,000 as the Village Clerk determines. If any taxpayer fails or refuses to place such security, the Village Clerk may refuse to revoke such permit. If any taxpayer is delinquent in the amount of the taxes imposed by this article, the Village Clerk may, upon 10 days' notice, recover the taxes, interest and penalties from the security placed with the Village Clerk by such taxpayer. No interest shall be paid or allowed by the village to any person for the deposit of such security.

§ 164-11. Records.

Every person liable for the tax imposed by this article shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the Village Clerk requires.

§ 164-12. Returns confidential.

A. All tax returns, schedules, exhibits, writings or audit reports relating to such returns on file with the Village Clerk may divulge their contents to the following and no others:

(1) The person who filed the return.

(2) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.

(3) Officers, employees or agents of the Village Clerk.

(4) Such other public officials of the village when deemed necessary.

B. No person having administrative duty under this article shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax imposed by this article or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided herein.

§ 164-13. Violations and penalties.

Any person who is subject to the tax imposed by this article who fails to obtain a permit as required in § 164-4 or who fails or refuses to permit the inspection of his records by the Village Clerk after such inspection has been duly requested by the Village Clerk, or who fails to file a return as provided in this article, or who violates any other provision of this article shall, upon conviction thereof and in addition to any other penalty imposed herein, forfeit an amount of $1,000 and the costs of prosecution and, in default of payment of such forfeiture, be confined in the La Crosse County Jail until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation. Each day or portion thereof that such violation continues in hereby deemed to constitute a separate offense.

§ 164-14. through § 164-19. (Reserved)

ARTICLE II
Room Tax Commission
[Adopted 11-12-2015 by Ord. No. 6-2015]

§ 164-20. Membership and organization.

The Room Tax Commission shall consist of five members who shall be selected as follows: One member of the Village Board of the Village of Holmen shall be appointed by the President and confirmed by the Village Board. Three members shall be appointed by the President who are residents of the Village of Holmen and are owners or managers of businesses located in the Village of Holmen and who are not members of the Village Board, subject to confirmation by the Village Board. One member shall be a representative of the Wisconsin hotel and motel industry. All members of the Commission shall serve for a

one-year term from the date of appointment. Any vacancies occurring on the Room Tax Commission shall be filled by appointment by the President, subject to confirmation of the Village Board. Any person so appointed shall serve the balance of the term of the person causing the vacancy. The Commission shall choose a Chairperson, Vice Chairperson and such other officers as it deems appropriate.

§ 164-21. Meetings.

Meetings may be held under call of the Chairperson of the Commission, the request of the Village Administrator, the request of the Village Clerk, or if requested in writing by three members of the Commission filed with the Village Clerk, in which event, the Village Clerk shall notify all members of the coming meeting. At least 24 hours' notice shall be allowed under this procedure. The Village Clerk shall give written notice of each meeting to the President and to all members of the Room Tax Commission. Three members shall constitute a quorum. Such regular meetings shall be open to the public.

§ 164-22. Powers.

The Room Tax Commission shall require of all organizations, whether private or governmental, who receive funds hereunder an annual accounting of the application of all room tax funds designated for room tax department and room tax promotion ("room tax funds"). The Commission shall designate the use of all room tax funds of the Village of Holmen.

§ 164-23. Statutory authority.

The Commission shall be the entity in which room tax is allocated for the Village of Holmen pursuant to Wis. Stats. § 66.0615.

Chapter 166

TELECOMMUNICATIONS STRUCTURES AND TOWERS

§ 166-1. Purpose.

§ 166-2. Definitions.

§ 166-3. Permit required.

§ 166-4. Location.

§ 166-5. Collocation requirements.

§ 166-6. Tower construction requirements.

§ 166-7. Tower and antenna design requirements.

§ 166-8. Tower setbacks and placement.

§ 166-9. Tower lighting.

§ 166-10. Signs and advertising.

§ 166-11. Accessory utility buildings.

§ 166-12. Abandoned or unused towers or portions of towers.

§ 166-13. Antennas mounted on roofs, walls, and existing towers.

§ 166-14. Interference with public safety telecommunications.

§ 166-15. Additional submittal requirements.

§ 166-16. Height.

§ 166-17. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 6-13-2002 by Ord. No. 4.02. Amendments noted where applicable.]

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§ 166-1. Purpose.

In order to accommodate the communication needs of the Village of Holmen while protecting the public health, safety, and general welfare of the community, the Village of Holmen finds that these regulations are necessary in order to:

A. Facilitate the provision of wireless telecommunications services to the residents and businesses of the Village;

B. Minimize adverse visual effects of towers through careful design and setting standards;

C. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

D. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunications antennas in order to reduce the number of towers needed to serve the community.

§ 166-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMATEUR RADIO — Wireless, telecommunications technology used by private, nonprofit entities for noncommercial usage.

ANTENNA — Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICES — Licensed commercial wireless telecommunications services, including cellular microwave technology, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

PUBLIC UTILITY — Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this chapter, commercial wireless telecommunications service facilities shall not be considered public utility uses and are defined separately.

TOWER/TELECOMMUNICATIONS STRUCTURE — Any ground- or roof-mounted pole, spire, structure, or combination thereof, taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TOWER, MULTI-USER — A tower to which is attached the antennas of more than one commercial wireless telecommunications service provider or governmental entity.

TOWER, SINGLE-USER — A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this chapter.

§ 166-3. Permit required.

All commercial wireless telecommunications structures, except amateur radio operators licensed by the FCC, require a conditional use permit pursuant to the Village of Holmen Zoning Code.[1]

§ 166-4. Location.

A. Towers shall only be permitted in B1, B2, M, C and A Zoning Districts.

B. Towers must be a minimum of 500 feet from a residential district. This requirement does not apply to building-mounted antennas.

§ 166-5. Collocation requirements.

All commercial wireless telecommunications towers erected, constructed, or located within the Village shall comply with the following requirements:

A. A proposal for a new commercial wireless telecommunications service tower shall not be approved unless the Planning Commission and Village Board finds that the telecommunications equipment planned for the proposed tower cannot be

1. **Editor's Note: See Ch. 195, Zoning.**

accommodated on an existing or approved tower or building within a one-mile radius of the proposed tower due to one or more of the following reasons:

(1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

(3) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

(4) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

B. It shall be the developer's responsibility to provide adequate proof that no such opportunity for collocation is possible.

C. Any proposed commercial wireless telecommunications service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for the at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

§ 166-6. Tower construction requirements.

All towers erected, constructed, or located within the Village, and all wiring therefor, shall comply with all local, state, and federal codes and regulations.

§ 166-7. Tower and antenna design requirements.

Proposed or modified towers and antennas shall meet the following design requirements.

A. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

B. Commercial wireless telecommunications service towers shall be of a monopole design unless the Planning Commission and Village Board determines that an alternative design would better blend in to the surrounding environment.

C. Only one telecommunications tower is allowed on a parcel of land.

§ 166-8. Tower setbacks and placement.

Towers shall conform with each of the following minimum setback requirements:

A. Towers shall meet the setback requirements of a principle structure of the underlying zoning district and must meet the height restrictions as outlined in § 166-16.

B. Towers shall not be located between a principal structure and a public street except on sites adjacent to streets on all sides; towers may be placed within a side yard abutting a local street.

C. No part of any telecommunications tower, including guy wires, shall extend across, over or into any public right-of-way.

§ 166-9. Tower lighting.

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower pending Planning Commission approval.

§ 166-10. Signs and advertising.

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

§ 166-11. Accessory utility buildings.

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

§ 166-12. Abandoned or unused towers or portions of towers.

Abandoned or unused towers or portions of towers shall be removed as follows:

A. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property.

B. Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

§ 166-13. Antennas mounted on roofs, walls, and existing towers.

The placement of commercial wireless telecommunications antennas on roofs, walls, and existing towers may be approved by the Planning Commission and Village Board, provided the antennas meet the requirements of this chapter, after submittal of an application for a conditional use permit and a report prepared by a qualified and licensed professional engineer indicating the existing structure's or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

§ 166-14. Interference with public safety telecommunications.

No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introductions of new service or change in existing service, telecommunications providers shall notify the Village at least 10 business days in advance of such changes and allow the Village to monitor interference levels during the testing process.

§ 166-15. Additional submittal requirements.

In addition to the information required elsewhere in this chapter, conditional use applications for towers shall include the following supplemental information:

A. A report from a qualified and licensed professional engineer which:

(1) Describes the tower height and design, including a cross section and elevation;

(2) Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;

(3) Describes the tower's capacity, including the number and type of antennas that it can accommodate;

(4) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

(5) Includes an engineer's stamp and registration number; and

(6) Includes other information necessary to evaluate the request.

B. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

C. Before the issuance of building permit, the following supplemental information shall be submitted:

(1) Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and,

(2) A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

D. A visual analysis, photo simulation, or graphic illustration showing what the tower will look like in its surroundings.

E. A plat of survey showing the parcel boundaries, tower location, accessory structures, ancillary facilities location, access, landscaping and fencing.

§ 166-16. Height.

A. Structure height.

(1) Towers. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions of that zoning district.

(2) Height limitations. In all zoning districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed one foot for each one foot the tower is set back from the nearest property line up to a maximum height of 120 feet.

§ 166-17. Violations and penalties.

A. It shall be unlawful to construct, use, build, or locate any telecommunications structure in violation of any provision of this chapter.

B. Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction, be subject to the general penalty found in § 195-53 of this Code or revocation of the conditional use permit issued. Each day the violation continues shall constitute a separate offense.

Chapter 169

TRANSIENT MERCHANTS

§ 169-1. Registration required.

§ 169-2. Definitions.

§ 169-3. Exemptions.

§ 169-4. Registration procedures.

§ 169-5. Investigation.

§ 169-6. Appeal.

§ 169-7. Regulation of transient merchants.

§ 169-8. Records.

§ 169-9. Revocation of registration.

§ 169-10. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen 6-13-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 112.
Peace and good order — See Ch. 127.

§ 169-1. Registration required.

It shall be unlawful for any transient merchant to engage in sales within the Village of Holmen without being registered for that purpose as provided herein.

§ 169-2. Definitions.

In this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION — Includes any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.

CLERK — The Village Clerk.

MERCHANDISE — Includes personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

PERMANENT MERCHANT — Any person who, for at least one year prior to the consideration of the application of this chapter to said merchant:[1]

A. Has continuously operated an established place of business in the local trade area among the communities bordering the place of sale; or

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

B. Has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

TRANSIENT MERCHANT — Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

§ 169-3. Exemptions.

The following shall be exempt from all provisions of this chapter:

A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;

B. Any person selling merchandise at wholesale to dealers in such merchandise;

C. Any person selling agricultural products which the person has grown;

D. Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;

E. Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;

F. Any person who has had, or one who represents a company which has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;

G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;

H. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter;

J. [2]Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

submitted to the Clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she has conducted business in the market area for at least one year prior to the date the complaint was made;

K. Any individual licensed by an examining board as defined in s. 15.01(7), Wisconsin Statutes;

L. Transient merchants while doing business at special events authorized by the Village Board.

§ 169-4. Registration procedures.

A. Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

(1) Name, permanent address and telephone number, and temporary address, if any;

(2) Age, height, weight, color of hair and eyes;

(3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;

(4) Temporary address and telephone number from which business will be conducted, if any;

(5) Nature of business to be conducted and a brief description of the merchandise, and any services offered;

(6) Proposed methods of delivery of merchandise, if applicable;

(7) Make, model and license number of any vehicle to be used by the applicant in the conduct of his/her business;

(8) Most recent cities, villages, towns, not to exceed three, where the applicant conducted his/her business.

(9) Place where the applicant can be contacted for at least seven days after leaving this village;

(10) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.

B. Applicants shall present to the Clerk for examination:

(1) A driver's license or some other proof of identity as may be reasonably required;

(2) A state certificate of examination and approval from the Sealer of Weights and Measures where the applicant's business requires use of weighing and measuring devices approved by state authorities;

(3) A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law; such

certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application license is made.

C. Processing and registration.

(1) At the time the registration is returned, a fee of $15 per person shall be paid to the Clerk to cover the cost of processing said registration.[3]

(2) The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

(3) Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in § 169-5B below.

§ 169-5. Investigation.

A. Upon receipt of each application, the Clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.

B. The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of § 169-4B above.

§ 169-6. Appeal.[4]

Any person refused or denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board, or, if none has been adopted, under the provision of Secs. 68.01 through 68.16, Wis. Stats.

§ 169-7. Regulation of transient merchants.

A. Prohibited practices.

3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

4. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.

(3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred-foot radius of the source.

(5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

B. Disclosure requirements.

(1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.

(2) If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than $25, in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Secs. 423.203(1)(a), (b) and (c), and (3), Wis. Stats.

(3) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or not advance payment is made, the name, address and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

§ 169-8. Records.

The Chief of Police shall report to the Clerk all convictions for violation of this chapter and the Clerk shall note any such violation on the record of the registrant convicted.

§ 169-9. Revocation of registration.

A. Registration may be revoked by the Village Board after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

B. Written notice of the hearing shall be served personally or pursuant to § 169-4C above on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

§ 169-10. Violations and penalties.

Any person adjudged in violation of any provision of this chapter shall forfeit not less than $10 nor more than $1,000 for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

Chapter 172

TREES

ARTICLE I
Oak Wilt and Dutch Elm Disease

§ 172-1. Intent and purpose; public nuisances declared.
§ 172-2. Enforcement by Board of Public Works.
§ 172-3. Definitions.
§ 172-4. Inspection.
§ 172-5. Abatement of nuisances; duty of Board of Public Works.
§ 172-6. Spraying.
§ 172-7. Cost of tree care; special assessments.
§ 172-8. Prohibited acts; violations and penalties.

ARTICLE II
Street Trees

§ 172-9. Purpose.
§ 172-10. No permit for new trees.
§ 172-11. Trees in boulevards.
§ 172-12. Tree sizes.
§ 172-13. Planting size.
§ 172-14. Location.
§ 172-15. Evergreens and shrubs.
§ 172-16. Interference with sidewalk construction.
§ 172-17. Hazardous and infected trees.
§ 172-18. Exceptions.
§ 172-19. Unlawfully planted trees.
§ 172-20. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Oak Wilt and Dutch Elm Disease
[Adopted 10-5-1978]

§ 172-1. Intent and purpose; public nuisances declared.

Whereas the Board of Trustees has determined that there are many elm trees and oak trees growing on public and private premises within the Village of Holmen, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by a fatal disease known as Dutch elm disease and oak wilt, which is spread by elm bark beetles and oak wilt beetles, the Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and declares Dutch elm disease and oak wilt and the insects which carry such disease to be public nuisances.

§ 172-2. Enforcement by Board of Public Works.

The Board of Public Works shall carry out the provisions of this article. It may employ a forester or designate a municipal employee to perform the duties of forester under Ch. 27 of

the Wisconsin Statutes and may authorize such forester to perform the duties and exercise the powers imposed on the Board by this article.

§ 172-3. Definitions.

As used in this article, unless otherwise clearly indicated by the context, the following terms shall have the meanings indicated:

PERSON — Person, firm or corporation.

PUBLIC NUISANCE

A. Dutch elm disease or oak wilt disease.

B. Elm bark beetles or oak wilt beetles.

C. Any living or standing elm tree or oak tree or part thereof infected with the Dutch elm disease or oak wilt fungus or in a weakened condition which harbors any of the elm bark or oak wilt beetles.

D. Any dead elm tree or oak tree or part thereof, or any logs, branches, stumps, firewood or other elm or oak material from which the bark has not been removed and burned or sprayed with an effective elm bark or oak bark beetle destroying concentrate.

PUBLIC PROPERTY — Premises owned or controlled by the Village including, without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

§ 172-4. Inspection.

A. The Village Board of Public Works shall inspect or cause to be inspected at least twice each year all premises and places within the Village to determine whether any public nuisance exists thereon. It shall also inspect or cause the inspection of any elm tree or oak tree reported or suspected to be infected with Dutch elm disease or oak wilt or any bark bearing material reported or suspected to be infested with elm bark beetles or oak wilt beetles.

B. Whenever necessary to determine the existence of Dutch elm disease or elm bark beetles or oak wilt disease in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimens to the Board, which shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.

C. The Board and its agents or employees shall have authority to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this article.

§ 172-5. Abatement of nuisances; duty of Board of Public Works.

A. The Board of Public Works shall order, direct, supervise and control the abatement of public nuisances as defined in this article by spraying, removal, burning or by other means which it determines to be necessary to prevent as fully as possible the spread of Dutch elm disease or oak wilt fungus or the insect pests or vectors known to carry such disease fungus.

B. Whenever the Board of Public Works after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, it shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or oak wilt disease or the insect or vectors known to carry such disease fungus.

C. When the Board of Public Works shall determine with reasonable certainty that a public nuisance exists upon private premises (or upon the terrace strip between the lot line and the curb), it shall immediately serve or cause to be served personally or by registered mail upon the owner of such property (or the abutting property), if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than 14 days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommended procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of elm or oak trees in the Village, the Board of Public Works shall cause the abatement thereof at the expense of the property served (or abutting property). If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.

D. If, after hearing held pursuant to this section, it shall be determined by the Board of Public Works that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within 24 hours after such hearing, the Board of Public Works shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this article. The Board may extend the time allowed the property owner for abatement work but not to exceed 10 additional days.

§ 172-6. Spraying.

A. Whenever the Board shall determine that any elm tree or oak tree or part thereof is infected with Dutch elm disease fungus or oak wilt fungus or is in a weakened condition and harbors elm bark beetles or oak wilt beetles, it may cause all elm trees within a one-thousand-foot radius thereof to be sprayed with an effective elm bark or oak wilt beetle destroying concentrate.

B. In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this article, the Board shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least

24 hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Board shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least 24 hours in advance of spraying operations.

C. When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection B of this section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.

D. When trees on private property are to be sprayed, the Board shall notify the owner of such property and proceed in accordance with the requirements of Subsection C of § 172-5 of this article.

§ 172-7. Cost of tree care; special assessments.

A. The cost of abatement of a public nuisance or spraying elm trees or elm wood or oak trees or oak wood at the direction of the Board of Public Works if the nuisance, tree or wood is located on public property, shall be borne by the Village (except that the cost of abating a public nuisance or spraying elm trees or oak trees or elm wood or oak wood located on the terrace strip between the lot line and the curb shall be assessed to the abutting property as hereinafter provided).

B. The cost of abating a public nuisance or spraying elm trees or oak trees, elm wood or oak wood located on private premises when done at the direction and under the supervision of the Board shall be assessed to the property on which such nuisance, tree or wood is located as follows:

(1) The Board shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.

(2) Upon receiving the Board's report, the Board shall hold a public hearing on such proposed charges, giving at least 14 days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.

(3) After the hearing, the Board shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.

(4) The Village Clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his last known address, stating that unless paid within 30 days of the date of the notice, such assessment shall bear interest at the rate of 6% per annum and will be entered on the tax roll as a delinquent tax

against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.

(5) The Village hereby declares that in making assessments under this article, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested elm tree or oak tree, or elm or oak wood or part thereof.

§ 172-8. Prohibited acts; violations and penalties.

Any person who does any of the following acts within the Village of Holmen shall upon conviction thereof forfeit not less than $10 nor more than $100 together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail until such costs and forfeiture are paid, but not exceeding 60 days:

A. Transports any bark bearing elm wood, oak wood, bark or material on public streets or highways or other public premises without first securing the written permission of the Board of Public Works;

B. Interferes with or prevents any acts of the Board of Public Works or its agents or employees while they are engaged in the performance of duties imposed by this article;

C. Refuses to permit the Board of Public Works or its duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this article;

D. Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Board of Public Works to abate such nuisance.

ARTICLE II
Street Trees
[Adopted 6-10-1999]

§ 172-9. Purpose. [Amended 11-10-2022 by Ord. No. 5-2022]

The Village Board hereby states its determination that the planting, care and protection of trees within the Village right-of-way is detrimental to the longevity and sustainability of all street infrastructure, including, but not limited to, sidewalks, curbs, sewer mains and laterals, water mains and laterals, storm sewer systems and the street subgrade and surfaces themselves.

§ 172-10. No permit for new trees. [Amended 11-10-2022 by Ord. No. 5-2022]

No person shall plant any tree or shrub in any boulevard (right-of-way) or other public place in the Village at any time as of January 1, 2023. Violators are subject to penalties outlined within this article. Trees existing in Village right-of-way or on public property prior to January 1, 2023, shall be permitted to remain, under the private care of the adjacent property owner, until such time that tree is removed, under the full responsibility of the individual

property owner, or by the property owner at the direction of the Village of Holmen as outlined within this article.

§ 172-11. Trees in boulevards. [Amended 11-10-2022 by Ord. No. 5-2022]

All planting (for permits issued prior to January 1, 2023), removal, maintenance and trimming of trees in the boulevards shall be the responsibility of the individual property owners.

§ 172-12. Tree sizes. [Amended 11-10-2022 by Ord. No. 5-2022]

Trees planted under any overhead electrical wires shall not reach a maximum mature height of greater than 18 feet.

§ 172-13. Planting size.

All trees with a mature height greater than 30 feet, when planted, shall be at least eight feet high and have a minimum trunk diameter of 1 1/4 inches at a point six inches above ground. All small trees, when planted, shall be at least six feet high and have five or more branches.

§ 172-14. Location. [Amended 11-10-2022 by Ord. No. 5-2022]

Trees permitted prior to January 1, 2023, shall be planted in the middle of the boulevards, and spaced a minimum of 30 feet apart, in accordance with this article. In the event there is no sidewalk, the boulevard shall be the area between the curb and the inner side of a future sidewalk. Otherwise, no person shall plant any tree or shrub in any boulevard (right-of-way) or other public place in the Village at any time. Trees shall only be planted on private property. Trees and shrubs on private property shall be planted at least 30 feet from street intersections. Trees shall be planted at least 15 feet from driveways. Trees shall also be planted at least 15 feet from curb box/water shutoffs.

§ 172-15. Evergreens and shrubs.

The planting of shrubs or evergreens shall not be permitted in the boulevard.

§ 172-16. Interference with sidewalk construction.

Trees that interfere with the construction of a full width sidewalk shall be removed at the time of the sidewalk construction.

§ 172-17. Hazardous and infected trees. [Amended 11-10-2022 by Ord. No. 5-2022]

Any tree or part thereof, whether alive or dead, which the Village Clerk or his/her designee shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village or to be injurious to sewer, sidewalks or other public or private premises shall be removed, trimmed or treated by the owner of the property

upon or adjacent to which such tree or part thereof is located. The Village Clerk shall give written notice to said owners to remedy the situation. Such notice shall specifically state the period of time within which the action must be taken which shall generally be before 14 days, as determined by the Clerk on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Clerk shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof and enter such cost as a special charge against the property, as provided in WI Statute 66.60(16); or, as determined by the Clerk or his/her designee, the owner shall be subject to the penalties outlined within this article until such time the circumstance has been resolved at the owner's expense.

§ 172-18. Exceptions.

Any person seeking an exception to this article may apply to the Village Board on an application form provided by the Village Clerk. The Public Works Committee shall first review the application. All exceptions require approval by the Village Board.

§ 172-19. Unlawfully planted trees. [Amended 11-10-2022 by Ord. No. 5-2022]

Trees, plants or shrubs planted within any boulevard (right-of-way) as of January 1, 2023, shall be removed by the individual property owner at the owner's full expense. The Clerk shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not accomplished within the time specified, the Village may remove such tree or shrubs and assess the costs thereof to the owner as provided under WI Statute 66.60(16); or, as determined by the Clerk or his/her designee, the owner shall be subject to the penalties outlined within this article until such time the circumstance has been resolved at the owner's expense.

§ 172-20. Violations and penalties. [Added 11-10-2022 by Ord. No. 5-2022]

The penalty for violating the provisions herein shall be a forfeiture of not less than $250 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for a subsequent offense, plus court costs.

Chapter 180

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Village Board of the Village of Holmen as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of State Traffic Laws
[Adopted 5-12-1983]

§ 180-1. State traffic laws adopted. [Amended 10-12-2000 by Ord. No. 1.00]

Except as otherwise specifically provided in this Code, the statutory provision in Ch. 23, 167.31 and 287.81, and Chs. 340 to 350, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this Code 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 Code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the state.

§ 180-2. State forfeiture statutes.

Any forfeiture for violation of the state statutes adopted by reference in § 180-1 of this article shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.

ARTICLE II
Vehicle Noise
[Adopted 5-12-1983]

§ 180-3. Display of power prohibited.

No person shall make unnecessary and annoying noises with a motor vehicle, by squealing tires, excessive acceleration of engine, or by emitting unnecessary and loud muffler noises.

§ 180-4. Violations and penalties. [Amended 10-12-2000 by Ord. No. 1.00]

The forfeiture for violation of this article shall be as follows: $40, plus statutory court cost and assessments.

ARTICLE III

Use of Parking Lots and Ramps
[Adopted 5-12-1983]

§ 180-5. Unlicensed operators prohibited.

No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.

§ 180-6. Traffic regulations applicable.

All provisions of § 180-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot or ramp held out for use of the general public for parking or vehicular travel.

ARTICLE IV

Skateboards, Roller Skates, Roller Skis and Play Vehicles
[Adopted 4-11-1991]

§ 180-7. Use restricted.

A. It shall be unlawful for any person to operate or ride a skateboard, roller skates, roller skis, or play vehicle as defined in Sec. 340.01 Wis. Stats. in any of the following places:

   (1) On Village streets.

   (2) On any sidewalk in any business district. For purposes of this section, "business district" shall be defined as any area primarily commercial in nature.

   (3) In any public parking ramp or parking lot.

   (4) On private property, unless permission has been received from the owner, lessee or person in charge of that property.

B. Operators or riders of skateboards, roller skates, roller skis or play vehicles shall yield the right-of-way to other pedestrians using the Village sidewalks, and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks.

§ 180-8. Violations and penalties. [Amended 5-11-2006 by Ord. No. 5.06]

The penalty for violating the provisions herein shall be a forfeiture of not less than $50 nor more than $500 for the first offense and not less than $100 nor more than $1,000 for a subsequent offense, plus court costs.

ARTICLE V

Parking

[Adopted 1-13-2000; amended in its entirety 11-14-2019 by Ord. No. 8-2019]

§ 180-9. Restricted parking/parking regulations on school district grounds.

A. No motor vehicle shall be stopped or parked between 6:00 a.m. and 6:00 p.m. every day, except Sundays and legal holidays, for more than the designated time in the following places: as determined by Village Board.

B. Official signs will be erected in appropriate places to designate the above parking restriction.

C. An automobile bearing special registration plates issued under s. 341.14(1) or s. 341.14(1)(a), Wis. Stats., is exempt from the provisions of this article. The parking privilege exemption granted herein is limited to disabled veterans and other persons to whom special license plates were issued as provided herein, and to qualified motor vehicle operators acting under the express direction of a disabled veteran or other disabled person present.

D. All streets that are of substandard width as determined by the Village Engineer shall be restricted to parking on one side of the street only, and that side shall be indicated by the placement of proper signs. Parking is prohibited between 1:00 a.m. and 8:00 a.m. on all substandard-width streets. Alternate-side parking regulations shall not apply to substandard-width streets where parking is restricted to one side of the street only.

E. Pursuant to the provisions of s. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Holmen School District: All parking on any grounds of the Holmen School District from 7:00 a.m. to 3:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. All parking on grounds of the Holmen School District from 7:00 a.m. to 3:30 p.m. shall be by permit only and shall be restricted to areas designated for parking by the District Board. When signs are erected by the School Board giving notice of such restrictions, no person shall park a motor vehicle in an area other than one authorized by the permit. The permit shall be displayed at all times when parking in the designated areas.

§ 180-10. Alternate parking.

A. A system of alternate-side parking is hereby established for the Village of Holmen. Between 1:00 a.m. and 8:00 a.m., vehicles shall be parked only on the even-numbered side of the streets on those nights with an even calendar date, and on odd-numbered sides of the streets on those nights with an odd calendar date; except that where parking is normally permitted only on one side of the street, vehicles may be parked on that permitted side every night.

B. Parking on culs-de-sac is prohibited between 1:00 a.m. and 8:00 a.m.

C. This section of the article shall be in effect from November 1 through April 1 of each year.

D. This article shall not apply to any federal or state highways within the Village limits of the Village of Holmen.

E. Signs shall be erected at all highways and roads leading into the Village at the boundary of the Village, stating: "Alternate parking required and enforced from November 1 through April 1, Village of Holmen Ordinance No. 5.07."

§ 180-11. Abandoned vehicles/unregistered motor vehicles.

A. No person shall leave unattended within the Village of Holmen any motor vehicle, trailer, semi-trailer or mobile home on any public highway or public property for more than 48 hours. After 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

B. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under State Statute 342.40, except that if the Police Department determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be disposed of to a licensed salvage dealer by the Village prior to expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or other reason.

C. Any police officer that discovers any motor vehicle, trailer, semi-trailer, or mobile home on any public highway or public property that has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.

D. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of a vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.

E. Any abandoned vehicle which is determined by the Police Department to have a value in excess of storage and towing charges shall be retained in storage for a period of 14 days after certified mail notice has been sent to the owner and lien holder of record, to permit reclamation of the vehicle after payment of accrued charges. Thereafter the Police Department may dispose of the vehicle by sale substantially in conformance with accepted commercial standards.

F. Within five days after the sale or disposal of a vehicle as provided in State Statute 342.40, the Police Department shall advise the Motor Vehicle Division of the sale or disposition on the form supplied by the Division.

G. State Statute reference: 342.40.

H. No person or business shall park any unregistered vehicle on any Village Street. "Unregistered motor vehicle" means any motor vehicle, that is located upon a highway or street, that is not displaying valid registration plates, a temporary plate, or other evidence of registration as provided under s. 341.18(1), Wis. Stats., for the vehicle's current registration period.

§ 180-12. Truck/trailer parking restrictions.

A. Parking trucks and trailers.

(1) No person shall at any time park, stop or leave standing, whether attended or unattended, any trailer (including campers, boats, utility trailers or any towed apparatus) or semi-trailer, whether or not attached or connected to a vehicle on any street or public property from 12:00 a.m. to 6:00 a.m.

(2) No person shall park, stop or leave standing, with or without the engine running, any unattended truck tractor, road tractor or any truck with more than four wheels, on any street or public property except in designated areas.

(3) The parking restrictions imposed by this section shall not apply to vehicles which are parked for the sole purpose of making deliveries or moving supplies to or from premises abutting the street or while said vehicle is loading or unloading property to or from the abutting premises.

(4) A maximum of one semi-tractor, excluding semi-trailer or motor vehicle designed to be operated by an individual holding a commercial driver's license, may be parked at the residence of the operator in a residentially zoned district. Motors shall not idle for more than 15 minutes within a one-hour time period.

(5) Any individual who violates this provision and refuses to remove said vehicle within two hours of receipt of notice thereof would have their vehicle towed away at the owner's expense and/or forfeit a penalty as prescribed under § 180-14.

B. Parking in no-parking zones and overtime parking.

(1) No vehicle shall be parked or left standing in any alley so as to obstruct flow of traffic, except while being loaded or unloaded.

(2) The Village Board shall have the authority to designate any portion of a street or alley as a "No Stopping, No Standing, No Parking or Loading Zone" when such action shall be deemed in the interest of public safety and convenience. The Village Board shall have the authority to regulate no stopping, no standing or no parking during certain times in certain congested and highly traveled places which create and constitute conditions detrimental to efficient movement of vehicular traffic, health and safety of the citizens and that illegal parking on certain streets impair transportation, fire, health and police protection, and that such emergency and ultra-hazardous conditions exist or are likely to exist repeatedly at certain places at various times of the day.

(3) The Village Board shall cause the erection of official signs and/or painting of curbs to designate such areas.

(4) No vehicle shall stop, stand or park in a no-stopping, no-standing or no-parking zone designated by an official sign and/or curb marking.

(5) No vehicle shall stand, stop or park in a loading zone designated by an official sign and/or curb or pavement marking, except temporarily for the purpose of and while actually engaging in loading or unloading, or in receiving or discharging

passengers, and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic.

C. Removal of violating vehicles.

(1) Whenever any police officer finds a vehicle standing upon a highway, alley or public property in violation of a prohibition, limitation, or restriction on stopping, standing or parking provisions of this article, he/she is authorized to order the removal of such vehicle or to require the operator in charge thereof to move such vehicle to a position where parking is not prohibited.

(2) Whenever any police officer shall find a vehicle stopped upon the highways designated as tow-away zones, during such time as said tow-away provision is in effect, and thereby in violation of this article, he/she is authorized and directed to cause same to be removed by such towing company as may be designated by the Police Department and stored by the Police Department in storage space, public or private, until the owner shall present to the towing company an order from the Police Department to turn the vehicle over to the operator or owner thereof.

(3) Whenever any vehicle has been towed away under this article and has not been redeemed by the owner thereof for a period of 30 days from the day of the violation, it will be deemed an abandoned vehicle or disposed of as provided by s. 66.28, Wis. Stats.

§ 180-13. Snow emergencies.

A. The Chief of Police or Director of Public Works shall determine when there is a snow emergency and will contact the local media. Upon declaration of a snow emergency on radio or television, parking on all Village streets is prohibited except in designated areas.

B. All violating vehicles shall be removed following procedures as established in § 180-12C.

§ 180-14. Violations and penalties.

The penalty for violation of any provision of this article shall be as follows:

A. For each violation, a forfeiture as annually determined by the Village Board shall be paid to the Village Treasurer within 10 days. The forfeiture shall double if paid to the Village Treasurer after 10 days and before 28 days.

B. If such forfeiture is not paid within 28 days, the forfeiture shall double again (quadruple from the original amount). After 35 days, the Village will add additional administrative charges and notify the Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any owned vehicle, or both, or issue a warrant for arrest as per Wisconsin State Statute 345.28.

C. The Village Board shall annually review all parking penalties and fines, and establish rates for the new year.

ARTICLE VI

School Bus Warning Lights

[Adopted 8-6-2002 by Ord. No. 5.02; amended in its entirety 11-14-2019 by Ord. No. 8-2019]

§ 180-15. Use of lights and stop arms authorized.

Pursuant to s. 349.21(1), Wis. Stats., the Holmen School District administration is authorized to formulate and execute a policy for the use of flashing red warning lights and stop arms by its school bus operators in the Village on all streets within the Village of Holmen, except as specified by the Village Board, where students or other authorized passengers are to be loaded or unloaded at locations where there are no traffic signals and such persons must cross the street or highway before being loaded and after being unloaded.

ARTICLE VII

Motorized Scooters

[Adopted 4-23-2004 by Ord. No. 2.04; amended in its entirety 11-14-2019 by Ord. No. 8-2019]

§ 180-16. Definition.

A motorized scooter is a "vehicle" because it is a device in, upon or by which any person or property is or may be transported or drawn upon a highway. (s. 340.01(74), Wis. Stats.) A motorized motor scooter is a "motor vehicle" because it is a self-propelled vehicle that does not operate exclusively on rail. (s. 340.01(35), Wis. Stats.)

§ 180-17. Unlawful operation.

It shall be unlawful for any person to operate or ride a motorized motor scooter in any of the following places unless the motorized scooter is registered or titled in the State of Wisconsin and the operator has a valid Wisconsin driver' s license:

A. Highway, including highway right-of-way.

B. Sidewalk.

C. Bike path.

D. Any public trail and/or right-of-way.

§ 180-18. Violations and penalties.

The penalty for violating the provisions herein shall be a forfeiture of not less than $20 nor more than $800, plus court costs.

ARTICLE VIII

Speed Limits
[Adopted 1-12-2006 by Ord. No. 2.06]

§ 180-19. Speed limits.

All Village streets that are of substandard width as determined by the Village Engineer shall have a speed limit of 15 miles per hour, upon approval by the Village Board. Village streets abutting parks may also have a speed limit of 15 miles per hour if the Village Board determines it to be appropriate. All other Village streets shall have a speed limit of 25 miles per hour. All such speed limits shall become effective upon the placement of official speed limit signs.[1]

§ 180-20. Violations and penalties.

A violation of any provision of this article shall be deemed a violation of Wis. Stat. 346.57(5), the penalty for which shall be as specified in the State of Wisconsin Revised Uniform State Traffic Deposit Schedule.

ARTICLE IX

Neighborhood Electric Vehicles
[Adopted 11-13-2008 by Ord. No. 5.08]

§ 180-21. Legislative authority; purpose.

This article is adopted pursuant to the authority set forth in Wis. Stats. § 349.26 and adopted for the protection of the public health, benefit and welfare of the Village.

§ 180-22. Definitions; requirements.

A. As used in this article, the following terms shall have the meanings indicated:

NEIGHBORHOOD ELECTRIC VEHICLES (NEV) — A self-propelled motor vehicle that has successfully completed the Neighborhood Electric Vehicle America test program

1. **Editor's Note: Ordinance No. 2.06 provided that the following Village streets are hereby declared to be subject to a 15mph speed limit:**

   West Roberts Street; Ryan Avenue; Gregory Street; Spruce Street; 1st Avenue West; Scott Drive; Ulman Street; Hackberry Street; Picnic Drive; Kimberly Street; Spring Street; Redwood Court; Walnut Drive; West Avenue; and Mill Street.

conducted by the Federal Department of Energy and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500.

B. Neighborhood electric vehicles shall be four-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. NEV does not include an electric golf cart and shall be equipped with the following:

(1) Headlamps.

(2) Front and rear turn signals.

(3) Stop lamps.

(4) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear (three total).

(5) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror.

(6) Parking brakes.

(7) A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205).

(8) A vehicle identification number (VIN) that complies with federal law (49 CFR 565).

(9) A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209 and Federal Motor Safety Standard No. 209, for each designated seating position.

(10) Meets the general test conditions under 49 CFR 571.50056.

§ 180-23. Permitted users of neighborhood electric vehicles.

A. The use of an NEV is prohibited except as expressly authorized by this chapter.

B. To use an NEV on Village streets meeting the criteria set forth in § 180-22A above, the individual driver must have a valid Wisconsin driver's license.

§ 180-24. Permitted use of neighborhood electric vehicles on Village streets.

Any driver meeting the requirements of § 180-23 above may operate a licensed NEV on roadways under the jurisdiction of the Village of Holmen upon which the posted speed limit is 35 miles per hour or less, with the following exceptions:

A. An NEV may be used upon connecting highways within the Village of Holmen but only upon those sections where the speed limit is 35 miles per hour or less. The exact locations shall be as promulgated from time to time and at any time by the Village Administrator, who is hereby authorized to do so by the Village Board, as approved by

the Wisconsin Department of Transportation. All such locations shall be compiled, kept and updated in written form, and retained on file for public inspection at all times at the Holmen Village Hall lobby, the Holmen Police Department, the Village Clerk's Office and the Village website. Such list of authorized locations is hereby adopted by reference and incorporated herein as if fully set forth verbatim. All additions and changes shall be updated on said list by the Village Administrator and/or their designee(s).

B. An NEV may cross county/state trunk highways within the Village of Holmen but only at public intersections where the speed limit upon the county/state trunk highway at that particular intersection is 35 miles per hour or less. The exact locations shall be as promulgated from time to time and at any time by the Village Administrator, who is hereby authorized to do so by the Village Board, as approved by the Wisconsin Department of Transportation. All such locations shall be compiled, kept and updated in written form, and retained on file for public inspection at all times at the Holmen Village Hall lobby, the Holmen Police Department, the Village Clerk's Office and the Village website. Such list of authorized locations is hereby adopted by reference and incorporated herein as if fully set forth verbatim. All additions and changes shall be updated on said list by the Village Administrator and/or their designee(s).

C. Subsections A and B are subject to the approval of La Crosse County and/or the Wisconsin Department of Transportation as outlined in Wisconsin Statute § 349.26(3), as from time to time amended or renumbered.

D. Headlamps must be on at all times during operation on Village streets.

§ 180-25. Operation of neighborhood electric vehicles.

NEVs shall comply with all state and local traffic laws, including but not limited to Chapter 180 of the Village of Holmen Code of Ordinances, and owners and operators of NEVs shall be subject to citations and forfeitures for any such violation. Electrical cords, connections, or other charging devices shall not cross public land, such as a sidewalk, terrace, street, etc.

§ 180-26. License.

Neighborhood electric vehicles shall be licensed by the Wisconsin Department of Transportation.

§ 180-27. Enforcement.

Any person who violates any provision of this article shall be subject to forfeiture as provided in this chapter.

§ 180-28. Violations and penalties.

Uniform fines and penalties: 9.12 Neighborhood electric vehicles 9.14(4) $50-$500.

ARTICLE X

Restricted Vehicles

[Adopted 4-14-2011 by Ord. No. 2.11]

§ 180-29. Truck restrictions.

A. It shall be unlawful for any person to operate a truck on any Village street or alley, except on designated county trunk highways, state trunk highways, United States highways or any designated connecting highway within the Village limits of the Village of Holmen, unless such Village street is designated as a truck route by official Village traffic signs or by official Village street maps. Those trucks traveling from an origin or to a destination that is not on a designated truck route and for which there is no other viable alternative route to reach such origin or destination, and trucks that are following an officially designated detour route, are excepted from this restriction for only that portion of their trip for which there is no viable alternative route or which is designated as a detour route.

B. For the purposes of this section, a truck shall be defined as a vehicle having a gross weight, excluding the weight of any cargo, exceeding 16,000 pounds.

C. Designated truck routes within the Village of Holmen shall include the following Village streets or portions of Village streets:

Amy Drive east of Ryan Street
Briggs Road south of McHugh Road
Circle Drive
Commerce Street east of Ryan Street
Corporate Drive
Creekside Lane
Crow Street north of Greeno Road
Empire Street
Flat Road north of Crow Street
Hale Drive west of Flat Road
North Star Road
Ryan Street south of Amy Drive
South Main Street
South Star Road
Sunset Drive
Union Street north of Empire Street
Western Avenue east of Ryan Street

D. This section shall not apply to the following vehicles:

(1) Those intended to transport passengers only.

(2) Those used by governmental agencies or emergency services providers.

(3) Those used to provide contracted services to a governmental agency or emergency service provider.

§ 180-30. Violations and penalties.

The penalty for violating the provisions herein shall be a forfeiture of not less than $50 nor more than $200 for the first offense and not less than $200 nor more than $500 for a subsequent offense, plus court costs and the costs of repairing any damages caused by such violation to the pavement, base course, curb and gutter on any street or alley.

ARTICLE XI
Random Traffic Ordinances
[Adopted 8-11-2022 by Ord. No. 4-2022]

§ 180-31. Through traffic on alleys and driveways prohibited.

No operator of a motor vehicle shall use as a thoroughfare an alley, driveway, service drive, parking lot or any private drive or any other area not designated as a public highway or public street.

§ 180-32. Violations and penalties.

The penalty for violating the provisions herein shall be a forfeiture of not less than $250 nor more than $500 for the first offense and not less than $500 nor more than $1,000 for a subsequent offense, plus court costs.

Chapter 187

WATER

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§ 187-6. General unmetered water service.

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Exhibit A

[HISTORY: Adopted by the Village Board of the Village of Holmen 6-12-2008 by Ord. No. 3.08.[1] Amendments noted where applicable.]

GENERAL REFERENCES

1. **Editor's Note: This ordinance also superseded former Ch. 187, Water, which consisted of: Art. I, Rates, Rules and Practices, adopted 2-9-1950, as amended; Art. II, Cost Recovery for Water Main Extension, adopted 8-8-1991, as amended; Art. III, Wellhead Protection, adopted 2-11-1993, as amended; Art. IV, Cross-Connection Control, adopted 3-12-1998, as amended; and Art. V, Private Well Abandonment, adopted 3-12-1998.**

Building construction — See Ch. 29.
Excavations — See Ch. 58.
Sewers — See Ch. 150.

ARTICLE I
Rates, Rules and Practices

§ 187-1. Public fire-protection service.

A. For public fire-protection service to the Village of Holmen, the annual charge shall be $227,042.

B. This service shall include the use of hydrants for fire-protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

§ 187-2. Private unmetered fire-protection service.

A. This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire-protection systems such as automatic sprinkler systems, standpipes, and private hydrants.

B. Quarterly demand charges for private fire-protection service shall be as follows:

Size of Connection	Charge
2-inch	$15
3-inch	$30
4-inch	$66
6-inch	$108
8-inch	$180
10-inch	$267
12-inch	$345
14-inch	$435
16-inch	$525

C. Billing shall be the same as in Schedule Mg-1.

§ 187-3. General metered service.

A. Service and volume charges for general metered service shall be as follows:

(1) Quarterly service charge:

Size of Connection	Charge
5/8-inch meter	$15
3/4-inch meter	$15
1-inch meter	$24
1-1/4-inch meter	$33
1-1/2-inch meter	$42
2-inch meter	$63
3-inch meter	$99
4-inch meter	$150

Size of Connection	Charge
6-inch meter	$270
8-inch meter	$420
10-inch meter	$630
12-inch meter	$840

(2) Plus volume charge:

(a) First 50,000 gallons used each quarter: $1.88 per 1,000 gallons.

(b) Next 150,000 gallons used each quarter: $1.60 per 1,000 gallons.

(c) Over 200,000 gallons used each quarter: $1.10 per 1,000 gallons.

B. Billing. Bills for water service are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 1% per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Adm. Code ch. PSC 185.

C. Combined metering. Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. This requirement does not preclude the utility from combining readings where metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

§ 187-4. Other charges.

A. A charge of $30 shall apply to the customer's account when a check rendered for utility service is returned for insufficient funds. This charge may not be in addition to, but may be inclusive of, other insufficient funds charges when the check was for payment of multiple services.

B. Billing shall be the same as in Schedule Mg-1.

§ 187-5. General suburban service.

A. Water customers residing outside the corporate limits of the Village of Holmen shall be billed at the regular rates for service (Schedule Mg-1) plus a 25% surcharge.

B. Billing shall be the same as in Schedule Mg-1.

§ 187-6. General unmetered water service.

A. Where the utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of $52.60 per quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of 20,000 gallons of water per quarter under Schedule Mg-1. If it is determined by the utility that usage is in excess of 20,000 gallons of water per quarter, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.

B. Billing shall be the same as in Schedule Mg-1.

§ 187-7. Public service.

A. Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates (Schedule Mg-1) applied.

B. Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Superintendent shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of $1.60 per 1,000 gallons.

C. Billing shall be the same as in Schedule Mg-1.

§ 187-8. Reconnection charges.

A. Reconnection charges shall be as follows:

Action	During Normal Business Hours	After Normal Business Hours
Reinstallation of meter, including valving at curb stop	$40	$60
Valve turned on at curb stop	$30	$45

NOTE: No charge for disconnection.

B. Billing shall be the same as in Schedule Mg-1.

§ 187-9. Seasonal, emergency or temporary service.

A. Seasonal customers [NOTE: Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year.] shall pay an annual seasonal service charge equal to four times the applicable service charge in Schedule Mg-1. Water use in any billing period shall be billed at the applicable volume rates in Schedule Mg-1 and the charge added to the annual seasonal service charge.

B. For disconnections of service not previously considered as seasonal, emergency, or temporary, if service is resumed at the same premises by the same customer within a twelve-month period, and if there has been no service to another customer during the intervening period, the customer shall be billed for the pro rata share of the applicable service charge for the period of disconnection.

C. Further, if service has been disconnected or a meter removed, a charge under Schedule R-1 shall be applied at the time of reconnection or meter installation.

D. Billing shall be the same as in Schedule Mg-1.

§ 187-10. Building and construction water service.

Building and construction water service rates shall be as follows:

A. For single-family and small commercial buildings, apply the unmetered rate (Schedule Ug-1).

B. For large commercial, industrial or multiple apartment buildings, a temporary metered installation shall be made and general metered rates (Schedule Mg-1) applied.

C. Billing shall be the same as in Schedule Mg-1.

§ 187-11. Bulk water.

A. All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the utility, estimated. Utility personnel or a utility-approved party shall supervise the delivery of water.

B. Bulk water sales are:

(1) Water supplied to tank truck or from hydrants for the purpose of extinguishing fires outside the utility's immediate service area;

(2) Water supplied by tank truck or from hydrants for purposes other than extinguishing fires, such as irrigation or the filling of swimming pools; or

(3) Water supplied from hydrants or other temporary connections for general service-type applications. (Water supplied for construction purposes: see Schedule Mz-1.)

C. A charge for the volume of water used will be billed to the party using the water at $1.88 per 1,000 gallons. A service charge, in addition to the volumetric charge, will be $40. In

addition, for meters that are assigned to bulk water customers for more than 30 days, the applicable service charge in Schedule Mg-1 will apply after the first 30 days.

D. The water utility may require reasonable deposits for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected will be refunded upon return of the utility's equipment. Damaged or lost equipment will be repaired or replaced at the customer's expense.

E. Billing shall be the same as in Schedule Mg-1.

§ 187-12. Water lateral installation charge.

A. Subdivision developers shall be responsible, where the main extension has been approved by the utility, for the water service lateral installation costs from the main through the curb stop and box.

B. When the cost of a utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.

C. The initial water service lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which the actual cost will be charged.

§ 187-13. Compliance with water utility operating rules.

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

§ 187-14. Establishment of water service.

A. Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection or water-consuming air-conditioning equipment.

B. Service will be furnished only if:

(1) The premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the utility's filed main extension rule;

(2) The property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than six feet below the surface of an established or proposed grade and meets the water utility's specification; and

(3) The premises have adequate piping beyond the metering point.

C. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be a treated as a separate water utility account for the purpose of the filed rules and regulations.

D. No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water supply lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.

E. Duplexes may be served by one lateral provided:

(1) Individual metered service and disconnection is provided; and

(2) It is permitted by local ordinance.

F. Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed t a central point so that volume can be metered in one place.

G. The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

§ 187-15. Service contracts.

A. Where the water utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. See Schedule R-1 for the applicable rate.

B. A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due. See Schedule R-1 for the applicable rate.

C. If reconnection is requested for the same location by any member of the same household, or, if a place of business, by any partner of the same business, it shall be considered as the same customer.

§ 187-16. Temporary metered service; meter and deposits.

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for applicable rate.

§ 187-17. Water for construction.

A. When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.

B. Consumers shall not allow contractors, masons or other persons to take water from their premises without permission from the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.

§ 187-18. Use of hydrants.

A. In cases where no other supply is available, permission may be granted by the water utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the water utility.

B. Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the utility to that effect.

§ 187-19. Operation of valves and hydrants and unauthorized use of water.

Any person who shall, without authority of the water utility, allow contractors, masons or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same, shall be subject to a forfeiture of not less than $100 nor more than $500 for the first offense and not less than $200 nor more than $1,000 for a subsequent offense. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

§ 187-20. Refunds of monetary deposits.

All moneys deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the water utility's equipment.

§ 187-21. Service connections or water laterals.

A. No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the water utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing not less than twice the diameter of the service connection. The space between the service lateral and the channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement or other resilient material and made impervious to moisture.

B. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least six inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones or other injurious material. All water service laterals shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of the water supply for the greatest probable number of fixtures or appliances operating simultaneously.

§ 187-22. Replacement and repair of service laterals.

A. The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the water utility. The property owner shall maintain the service lateral from the curb stop to the point of use.

B. If an owner fails to repair a leaking or broken service lateral from the curb to the point of metering or use within such time as may appear reasonable to the water utility after notification has been served on the owner by the water utility, the water will be shut off and will not be turned on again until the repairs have been completed.

§ 187-23. Abandonment of service.

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the water utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the utility portion of the water service lateral.

§ 187-24. Charges for water wasted due to leaks.

For provisions regarding charges for water wasted due to leaks, see Wis. Adm. Code, § PSC 185.35.

§ 187-25. Thawing frozen service laterals.

For provisions regarding thawing frozen services, see Wis. Adm. Code, § PSC 185.88.

§ 187-26. Curb stop boxes.

The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.

§ 187-27. Installation of meters.

Meters will be owned, furnished and installed by the water utility or a utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection and servicing, such location to be designated or approved by the water utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. Where applicable, see Schedule Am-1 for rates.

§ 187-28. Repairs to meters.

A. Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the water utility.

B. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

§ 187-29. Service piping for meter settings.

A. Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of meter setting.

§ 187-30. Turning on water.

The water may only be turned on for a customer by an authorized employee of the water utility. Plumbers may turn the water on to test their work, but upon completion, must leave the water turned off.

§ 187-31. Failure to read meters.

A. Where the water utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be rendered.

B. If the meter is damaged (see § 187-43, Surreptitious use of water) or fails to operate, the bill will be based on the average use during the past year, unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.

C. For provisions regarding failure to read meters, see Wis. Adm. Code § PSC 185.33.

§ 187-32. Complaint meter tests.

For provisions regarding complaint meter tests, see Wis. Adm. Code § PSC 185.77.

§ 187-33. Inspection of premises.

During reasonable hours, any officer or authorized employee of the water utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the water utility's rules and regulations. Whenever appropriate, the water utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water. For provisions regarding inspection of premises, see Wis. Adm. Code § PSC 196.171.

§ 187-34. Vacation of premises.

When premises are to be vacated, the water utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the water utility's property. See "Abandonment of Service" in Schedule X-1 for further information.

§ 187-35. Deposits for residential service.

For provisions regarding deposits for residential service, see Wis. Adm. Code § PSC 185.36.

§ 187-36. Deposits for nonresidential service.

For provisions regarding deposits for nonresidential service, see Wis. Adm. Code § PSC 185.361.

§ 187-37. Deferred payment agreements.

For provisions regarding deferred payment agreements, see Wis. Adm. Code § 185.38.

§ 187-38. Dispute procedures.

For provisions regarding dispute procedures, see Wis. Adm. Code § 185.39.

§ 187-39. Disconnection and refusal of service.

A. For provisions regarding disconnection and refusal of service, see Wis. Adm. Code

B. The following is an example of a disconnection notice that the utility may use to provide the required notice to customers.

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for water utility service and your previous unpaid balance.

You have 10 days to pay the water utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears or fail to contact us within the 10 days allowed to make reasonable deferred payment arrangement or other suitable arrangement, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

If you have entered into a deferred payment agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER, (Appropriate telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your water utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

§ 187-40. Illness provision.

If there is an existing medical emergency in your home and you furnish the water utility with a statement signed by either a licensed Wisconsin physician or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

§ 187-41. Deferred payment agreements.

A. If you are a residential customer and, for some reason, you are unable to pay the full amount of the water utility service arrears on your bill, you may contact the utility to discuss arrangements to pay the arrears over an extended period of time.

B. This time payment agreement will require:

(1) Payment of a reasonable amount at the time the agreement is made.

(2) Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.

(3) Payment of all future utility service bills in full by the due date.

C. In any situation, where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our water utility, you may make an appeal to the Public Service Commission of Wisconsin by calling (800) 225-7729. (WATER UTILITY NAME)

§ 187-42. Collection of overdue bills.

An amount owed by the customer may be levied as a tax as provided in Wis. Stat. § 66.0809.

§ 187-43. Surreptitious use of water.

A. When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to a twenty-four-hour disconnection of service. If the water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions:

(1) The customer will be required to deposit with the utility an amount sufficient to guarantee the payment of the bills for water utility service.

(2) The customer will be required to pay the water utility for any and all damages to water utility resulting from such interference with the metering.

(3) The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.

B. For provisions regarding surreptitious use of water, see Wis. Stat. §§ 98.26 and 943.20.

§ 187-44. Repairs to mains.

The utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations or additions to the plant or system. When the circumstances will permit, the water utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply. For provisions regarding repairs to mains, see Wis. Admin. Code § PSC 185.87.

§ 187-45. Duty of utility with respect to public safety.

It shall be the duty of the water utility to see that all open ditches for water mains, hydrants and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to insure the safety of the public.

§ 187-46. Handling water mains and service pipes in excavation trenches.

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided on Wis. Stat. § 182.0175. Where water mains or service laterals have been removed, cut or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding six hours.

§ 187-47. Protective devices.

A. Protective devices in general. The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high- and/or low-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

B. Relief valves. On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener), an effective pressure relief valve shall be installed either in the top of the hot water tank, or at the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drainpipe. See applicable plumbing codes.

C. Air chambers. An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local

plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

§ 187-48. Cross-connections.

Every person owning or occupying a premises receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, or waste or soil pipe may flow or be siphoned or pumped into the piping of the municipal water system.

For provisions regarding cross-connections, see Wis. Admin. Code § NR 811.09.

ARTICLE II
Water Main Extension

§ 187-49. Water main extension.

Water mains will be extended for new customers on the following basis:

A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.

B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:

(1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under Subsection A.

(2) Part of the contribution required in Subsection B(1) will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection A for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection A, nor will it exceed the total assessable cost of the original extension.

C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under Subsection A.

ARTICLE III

Water Main Installations in Platted Subdivisions

§ 187-50. Application; costs.

A. Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.

B. If the developer, or contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.

C. If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.

ARTICLE IV

Wellhead Protection

§ 187-51. Title, purpose and applicability.

A. Title. This article shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereafter "WHP Ordinance").

B. Purpose and authority.

(1) The residents of the Village of Holmen (hereafter "Village") depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this article is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.

(2) These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare.

C. Applicability. The regulations specified in this article shall apply only within the Village's corporate limits.

§ 187-52. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EXISTING FACILITIES WHICH MAY CAUSE OR THREATEN TO CAUSE ENVIRONMENTAL POLLUTION — Existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the Village's well fields' recharge areas which include but are not limited to the Wisconsin Department of Natural Resources' draft, Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution, Department of Commerce List of Underground Storage Tanks (hereafter UST's) and list of facilities with hazardous solid waste permits, all of which are incorporated herein as if fully set forth.

GROUNDWATER PROTECTION OVERLAY DISTRICT — That area contained in the maps attached as Exhibit A and incorporated herein as if fully set forth.[2]

RECHARGE AREA — Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

WELL FIELD — A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

§ 187-53. Groundwater Protection Overlay District. [Amended 4-11-2024 by Ord. No. 2-2024]

Provisions regarding the Groundwater Protection Overlay District (hereafter "district") shall be as follows:

A. Intent: the area to be protected is the Village's well fields' recharge areas contained within the Village boundary limits. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

B. Permitted uses. Subject to the exemptions listed in § 187-52, the following are the only permitted uses within the district. Uses not listed are to be considered prohibited uses.

   (1) Parks, provided there are no on-site waste disposal or fuel storage tank facilities associated within this use.

   (2) Playgrounds.

   (3) Wildlife areas.

   (4) Nonmotorized trails, such as biking, skiing, nature and fitness trails.

   (5) Residential sewage on a municipal sewer system, free of flammable and combustible liquid underground storage tanks.

C. Requirements for existing facilities.

   (1) Facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village.

2. Editor's Note: Exhibit A is included at the end of this chapter.

(2) Facilities shall provide additional environmental or safety monitoring as deemed necessary by the Village, which may include but is not limited to stormwater runoff management and monitoring.

(3) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(4) Facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

(5) During reasonable hours, any officer or authorized employee of the utility shall have the right of access to all properties within any Groundwater Protection Overlay District for the purpose of inspection or for the enforcement of the utility's rules and regulations.

D. Minimum separation from contamination sources. The well shall be adequately separated from potential sources of contamination. Unless a hydrogeologic investigation indicates lesser separation distances would provide adequate protection of a well from contamination or WisDNR and/or Village of Holmen approved treatment(s) is/are installed to address the potential contamination concerns, the minimum separation distances shall be:

(1) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall aboveground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of Wis. Adm. Code, § ATCP 93.260, and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code, § ATCP 93.110.

(2) 50 feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the four psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.

(3) 200 feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one- or two-family residential heating fuel oil underground storage tank or aboveground storage tank or POWTS treatment tank or holding tank component and associated piping.

(4) 300 feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of Wis. Adm. Code, § ATCP 93.260, and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code, § ATCP 93.110. These requirements apply to

tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(5) 300 feet between a well and any farm aboveground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other aboveground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of Wis. Adm. Code, § ATCP 93.260, and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code, § ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(6) 400 feet between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a stormwater retention or detention pond.

(7) 600 feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm aboveground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other aboveground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of Wis. Adm. Code, § ATCP 93.260, and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code, § ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(8) 1,000 feet between a well and land application of municipal, commercial, or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under Wis. Adm. Code, Ch. NR 718, while that facility is in operation; agricultural, industrial, commercial or municipal wastewater treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

(9) 1,200 feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility; landfill; any property with residual groundwater contamination that exceeds Wis. Adm. Code, Ch. NR 140, enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm

underground storage tank or single wall farm aboveground storage tank or other single wall underground storage tank or aboveground storage tank that has or has not received written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code, § ATCP 93.110, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

(10) The separation distance requirements under Wis. Adm. Code, § NR 812.08(4), apply for all contamination sources listed under Wis. Adm. Code, § NR 812.08(4), that are not listed in Subsection D(1) through (9).

§ 187-54. Requests for additional permitted uses.

A. Individuals and/or facilities may request the Village to permit additional land uses in the district.

B. Form of request; report.

(1) All requests shall be in writing either on or in substantial compliance with forms to be provided by the Village. The Village may request an environmental assessment report, prepared by an engineer familiar with environmental issues relating to water supply wells. The selection of the engineer shall be approved by the Village.

(2) Said report shall be forwarded to the Village Engineer and/or designee(s) for recommendation and final decision by the Village Board.

C. The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.

D. Any permitted uses shall be conditional and may include required environmental and safety monitoring and/or bonds and/or sureties satisfactory to the Village.

§ 187-55. Enforcement; violations and penalties.

A. In the event the individual and/or facility causes the release of any contaminants which endanger the district, the activity causing said release shall immediately cease and a cleanup satisfactory to the Village shall occur.

B. The individual/facility shall be responsible for all costs of cleanup, Village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.

(1) The cost of Village employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(2) The cost of Village equipment employed.

(3) The cost of mileage reimbursed to Village employees attributed to the cleanup.

C. Following any such discharge, the Village may require additional test monitoring and/or bonds/sureties satisfactory to the Village.

D. Violations. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this article. In case of any violation, the Village Board, Building Inspector, or any person who would be specifically damaged by such violation, may institute appropriate action or proceedings to enjoin a violation of this article.

E. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this article shall, upon conviction thereof, forfeit not less than $100 nor more than $500, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days, or in the alternative, shall have such costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE V
Cross-Connection Control
[Amended 1-15-2009 by Ord. No. 7.08; 1-10-2013 by Ord. No. 1-2013]

§ 187-56. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CROSS-CONNECTION — Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Holmen public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

§ 187-57. Unprotected cross-connections prohibited.

No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross-connection. Cross-connections shall be protected as required in Ch. SPS 82, Wisconsin Administrative Code.[3]

§ 187-58. Inspections.

The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross-connections. As an alternative, the water utility may require a person, firm, or corporation who owns, leases, or occupies property to have its plumbing inspected, at its own expense, by a State of Wisconsin certified cross-connection inspector/surveyor. The

3. **Editor's Note: See Ch. SPS 382, Wis. Admin. Code.**

frequency of inspections shall be established by the water utility in accordance with the Wisconsin Administrative Code. Any unprotected cross-connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross-connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under § 187-61 of this chapter.

§ 187-59. Right of entry.

Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross-connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under § 187-61 of this chapter. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes may be obtained.

§ 187-60. Provision of requested information.

The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under § 187-61 of this chapter.

§ 187-61. Discontinuation of service for violation.

The water utility may discontinue water service to any property wherein any unprotected connection in violation of this chapter exists and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in § 187-62 of this chapter. Water service to such property shall not be restored until the unprotected cross-connection has been eliminated.

§ 187-62. Emergency discontinuance.

If it is determined by the water utility that an unprotected cross-connection or emergency endangers public health, safety, or welfare and requires immediate action, and if a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross-connection has been eliminated.

§ 187-63. Adoption of state code.

The Village of Holmen adopts by reference the State Plumbing Code of Wisconsin, being Ch. COMM 82, Wisconsin Administrative Code.[4]

§ 187-64. Conflict with other provisions.

This article does not supersede the State Plumbing Code but is supplementary to it.

ARTICLE VI
Private Well Abandonment
[Amended 1-10-2013 by Ord. No. 1-2013]

§ 187-65. Purpose.

The purpose of this article is to protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system are properly maintained or abandoned.

§ 187-66. Applicability.

This chapter applies to all wells located on premises served by the Village of Holmen water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in § 187-65 above.

§ 187-67. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL WATER SYSTEM — A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

NONCOMPLYING — A well or pump installation which does not comply with § NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to § NR 812.43, Wisconsin Administrative Code.

PUMP INSTALLATION — The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

UNSAFE WELL OR PUMP INSTALLATION — One which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking

4. **Editor's Note: See now Ch. SPS 382, Wis. Admin. Code.**

water standards of Ch. NR 140 or 809, Wisconsin Administrative Code, or for which a health advisory has been issued by the Department of Natural Resources.

UNUSED WELL OR PUMP INSTALLATION — One which is not used or does not have a functional pumping system.

WELL — A drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

WELL ABANDONMENT — The proper filling and sealing of a well according to the provisions of § NR 812.26, Wisconsin Administrative Code.

§ 187-68. Abandonment required.

All wells on premises served by the municipal water system shall be properly abandoned in accordance with § 187-70 of this chapter by no later than 90 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Holmen under terms of § 187-69 of this chapter.

§ 187-69. Well operation permits.

A. Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system. The Village of Holmen shall grant a permit to a well owner to operate a well for a period not to exceed one year, providing that all conditions of this section are met. A well operations permit may be renewed by submitting an application verifying that the conditions of this section are met. The Village of Holmen or its agent may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village Clerk. All initial and renewal applications must be accompanied by a fee of $25.

B. The following conditions must be met for issuance or renewal of a well operation permit:

(1) The well and pump installation shall meet the standards for existing installations described in § NR 812.42, Wisconsin Administrative Code. The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the NR 812 Compliance Report Form 3300-305 to comply with ch. NR 812 subch. IV, prior to issuing the initial permit and no less than every 10 years afterwards. **[Amended 10-10-2019 by Ord. No. 7-2019]**

(2) The well and pump shall have a history of producing safe water evidenced by at least two coliform bacteria samples. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical test may be required to document the safety of the water.

(3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.

(4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

(5) The private well shall have a functional pumping system.

(6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

§ 187-70. Abandonment procedures.

A. All wells abandoned under the jurisdiction of this chapter shall be done according to the procedures and methods of § NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

B. The owner of the well, or the owner's agent, shall notify the clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.

C. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

§ 187-71. Violations and penalties.

Any well owner violating any provision of this article shall, upon conviction, be punished by forfeiture of not less than $25 nor more than $100 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this article for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

§ 187-72. through § 187-74. (Reserved)

ARTICLE VII
Fluoridation
[Added 2-13-2014 by Ord. No. 1-2014]

§ 187-75. Intent.

The Village of Holmen Water Utility shall henceforth maintain and implement a continually active fluoride feed system at each well site to fluoridate the public water supply. All fluoridation systems shall use hydrofluorosilicic acid (23% to 25%) that has 19.8% fluoride ions.

§ 187-76. Requirements.

The Village of Holmen Water Utility shall abide by the Department of Natural Resources' requirements for fluoride and chemical injection, as follows:

A. Section NR 809.11(2), Wisconsin Administrative Code, establishes a primary maximum contaminant level (MCL) of 4.0 mg/l for fluoride;

B. Section NR 809.70(1), Wisconsin Administrative Code, establishes a secondary maximum contaminant level (SMCL) of 2.0 mg/l for fluoride;

C. Section NR 809.74(1)(a), Wisconsin Administrative Code, requires that water systems adding fluoride have a routine monitoring program to ensure the levels of fluoride in the water system fall within the optimal range of fluoride established by the Department of Health Services;

D. Section NR 811.39(2)(c), Wisconsin Administrative Code, contains chemical feeder design requirements, including allowable chemical feeder settings; and

E. Section NR 811.40(1)(d), Wisconsin Administrative Code, contains chemical feed storage tank requirements, including maximum solution tank sizes.

§ 187-77. Recommended levels.

The Village of Holmen Water Utility shall fluoridate in accordance with the recommended levels as follows:

A. Effective as of February 1, 2013, the Department of Health Services recommended the optimal level of fluoride for public water systems be 0.70 mg/l. To ensure public water systems are consistently providing a fluoride level that has the greatest benefit, a recommended fluoride concentration control range had to be established. Following guidance from the Centers for Disease Control and Prevention, it is recommended that Wisconsin public water systems:

   (1) Have an average monthly fluoride concentration of at least 0.70 mg/l;

   (2) Have 75% of daily samples within the recommended control range of 0.60 mg/l to 0.80 mg/l;

   (3) Submit monthly split samples to the state lab for testing that correlate with a split tolerance of +/- 0.20 mg/l; and

   (4) Continue fluoridation of the public water supply (PWS) unless the system has natural fluoride levels of 0.60 mg/l or above.

§ 187-78. Changes to requirements or recommended levels.

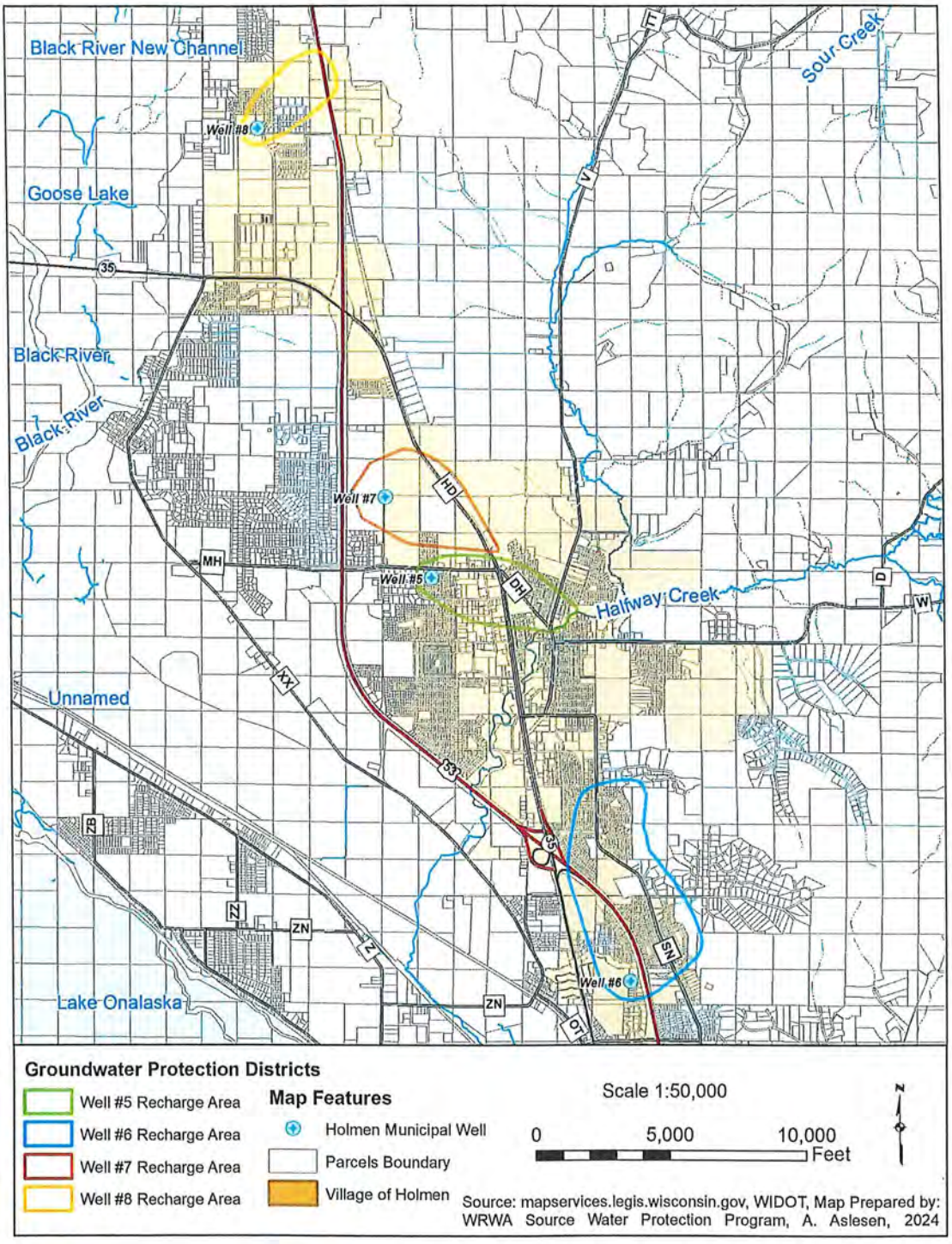
Should the above-referenced agencies, at any time in the future, effectively adopt changes to the requirements or recommended levels listed herein, the Village of Holmen Water Utility shall immediately abide by those new parameters, and this article shall be immediately amended to reflect such.

187 Attachment 1

Exhibit A

Groundwater Protection Overlay District Map

[Amended 2-8-2007 by Ord. No. 1.07; 4-11-2024 by Ord. No. 2-2024]



Chapter 195

ZONING

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[HISTORY: Adopted by the Village Board of the Village of Holmen 1-28-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 29.
Impact fees — See Ch. 76.
Land division — See Ch. 90.
Mobile home parks — See Ch. 105.

ARTICLE I
General Provisions

§ 195-1. Authority and purpose.

A. In accordance with the authority granted by Section 61.35 of the Wisconsin Statutes and for the purpose listed in said section, the Village Board of the Village of Holmen, Wisconsin, adopts this Comprehensive Zoning Ordinance effective as of February 5, 1998.

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

§ 195-2. Intent.

It is the general intent of this chapter to regulate and restrict the use and development of all structures, lands and waters and to regulate and restrict lot coverage, population distribution and density, tree cutting, dredging and lagooning in shoreland areas and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light and air; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; prevent water pollution; protect spawning grounds, fish and aquatic life and otherwise further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Village; and implement the Village's Comprehensive Plan and plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 195-3. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.

§ 195-4. Interpretation.

The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 195-5. Title.

This chapter shall be known as, referred to or cited as the "Zoning Ordinance, Village of Holmen, Wisconsin."

§ 195-6. Zoning districts. [Added 2-9-2006 by Ord. No. 1.06; amended 7-12-2007 by Ord. No. 6.07; 8-11-2011 by Ord. No. 3.11; 5-10-2012 by Ord. No. 5-2012; 8-12-2021 by Ord. No. 6-2021]

Zoning districts are provided as follows:

R-1	New Single-Family Residential District
R-2	New Single-Family Residential District - Large Lot
R-3	Existing Single-Family Mixed Residential District
R-4	Two-Family Residential District
R-5	Multiple-Family Residential
R-6	Zero Lot Line Two-Family Residential District
R-7	Townhome Multiple-Family Residential District
B-1	Downtown Business District
B-2	General Business District
B-3	Neighborhood Commercial District
LI	Light Industrial District
M	Manufacturing District
C	Conservancy District
A	Agricultural District
PUD	Planned Unit Development District
SO	Scenic Overlay
DO-1	Seven Bridges Design Overlay District
DO-2	Holmen Drive Design Overlay District
DO-3	Downtown Design Overlay District

§ 195-7. Zoning Map; district boundaries.

A. The revised Official Zoning Map is an integral part of this chapter. A copy of this map titled "Zoning Map, Holmen, Wisconsin," together with a copy of this chapter, shall be available in the Village Clerk's office for public inspection during office hours. Any changes in zoning district boundaries shall be recorded on the map.

B. The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.

C. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lot lines, and where the designations

on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

D. In unsubdivided property, the district boundary shown on the map shall be determined by township or range line, 1/4 sections, and divisions thereof, property lines, by scale, or by dimensions shown on said map.

§ 195-8. General regulations. [Amended 10-12-2000 by Ord. No. 1.00; 5-9-2002 by Ord. No. 2.02; 9-12-2002 by Ord. No. 6.02; 6-12-2003 by Ord. No. 3.03; 12-11-2003 by Ord. No. 9.03; 10-24-2004 by Ord. No. 5.04; 11-23-2004 by Ord. No. 8.04; 1-12-2006 by Ord. No. 8.05; 7-13-2006 by Ord. No. 7.06; 11-9-2006 by Ord. No. 9.06; 12-13-2007 by Ord. No. 10.07; 8-11-2011 by Ord. No. 3.11; 1-10-2013 by Ord. No. 2-2013; 5-9-2013 by Ord. No. 5-2013; 7-9-2021 by Ord. No. 5-2021; 5-9-2024 by Ord. No. 4-2024]

Excepted as otherwise provided:

A. Nonconforming uses and structures.

(1) Present uses of buildings and premises may be continued even though they do not conform to the restrictions of this chapter. However, structural repairs or alternations of such buildings or premises shall not exceed 50% of their assessed value at the time they become nonconforming unless a building or premises conforming to this chapter results. Any nonconforming use that is abandoned for one year shall be discontinued permanently.

(2) Existing nonconforming uses.

(a) The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however, only the portion of the land or water in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

(b) Total lifetime structural repairs or alterations shall not exceed 50% of the municipality's current assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.

(c) Substitutions of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(3) Abolishment or replacement. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use is damaged by fire, explosion, flood, public enemy or other calamity to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter.

(4) Existing nonconforming structures.

(a) A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, setback, parking and loading and access provisions of this chapter.

(b) Additions and enlargements to existing nonconforming structures are permitted and shall conform to the required building setback lines along

streets, water and highways and the yard, height, parking, loading and access provisions of this chapter. The provisions of this section with respect to additions or enlargements are applicable only if the lot or parcel conforms to the existing sanitary code requirements or is serviced by a public sanitary sewer.

(c) Existing nonconforming structures which are damaged or destroyed by fire, explosion, flood or other calamity may be reconstructed and insofar as is practicable shall conform to the required building setback lines along streets and highways and the yard, height, parking, loading and access provisions of this chapter. The provisions of this section with respect to reconstruction are applicable only if the lot or parcel conforms to the existing sanitary code requirements or is serviced by a public sanitary sewer.

(d) Existing nonconforming structures may be moved and insofar as is practicable shall conform to the required building setback lines along streets or highways and the yard, height, parking, loading and access provisions of this chapter. The provisions of this section with respect to moving are applicable only if the lot or parcel conforms to the existing sanitary code requirements or is serviced by a public sanitary sewer.

(5) Changes and substitutions. Once a nonconforming use or structure has been changed to conform it shall not revert to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

B. Amendments.

(1) Authority. Pursuant to the provisions of Sections 61.35 and 62.23(7) of the Wisconsin Statutes the Village Board may, after notice and public hearing as hereinafter provided, amend the regulation of this chapter or change the district boundaries.

(2) Initiation of petition. A proposal to amend the text or change the district mapping of this chapter may be initiated by the Village Board on its own motion or by petition of one or more property owners.

(3) Petitions. Petitions for any change in the district boundaries or amendments to the regulations shall be filed with the Village Clerk, shall describe the premises to be rezoned or the regulations to be amended, shall list the reasons justifying the petition and shall include the following:

(a) A plot plan drawn to scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 100 feet of the area proposed to be rezoned.

(b) Owners' names and addresses of all properties lying within 100 feet of the area proposed to be rezoned.

(c) Additional information required by the Village Board.

(4) Official public hearing. The Village shall hold a public hearing on such petition, after giving a Class 2 notice under Chapter 985, Wisconsin Statutes, of the proposed amendment, giving an opportunity to any person interested to be heard.

(5) Action. As soon as possible after such public hearing the Village Board shall act to approve, modify and approve or disapprove the proposed amendment.

(6) Protest. In case of protest against such change duly signed and acknowledged by the owners of 20% or more either of the areas of land included in such proposed amendment, supplement or change or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land such amendment, supplement or change shall not become effective except by the favorable vote of 3/4 of the members of the Village Board.

(7) Reapplication. If the proposed amendment fails, that proposal will not be reconsidered for Board action for a period of one year.

C. Annexation.

(1) All territory annexed to the Village shall become part of the A Agricultural District, unless the property has an existing use, wherein it shall be zoned in compliance with the existing use and in accordance with the Comprehensive Plan.

(2) An annexation fee in an amount equal to five times the amount of property taxes that the Town imposed on that territory in the year of the annexation will be charged to the property owner. All annexation fees must be paid in full on or before 10 days of the Holmen Village Board’s scheduled meeting to consider any proposed annexation petition. If for any reason an annexation petition is denied by the Holmen Village Board, said fees will be reimbursed within 10 business days.

D. Compliance.

(1) No lot shall be occupied by more than one permitted principal building, but in the case of public, institutional, industrial, condominium or commercial buildings, a group of principal buildings under the same ownership may be considered as occupying the same lot if in the opinion of the Village Board such buildings and uses are compatible.

(2) No building or structure shall be erected, reconstructed, structurally altered, enlarged or moved, nor shall any building, structure or land be designed or designated, for any use other than the uses permitted in the district in which such building, structure or land is located.

(3) The provisions of this chapter shall not prohibit the erection of a single-family dwelling and customary accessory uses in any district in which single-family dwellings are so permitted on a lot which is smaller than required, provided such lot is separately recorded by deed in the office of the Register of Deeds prior to January 28, 1998, and provided further that the owner of any such lot did not

own sufficient adjoining land at the effective date of the adoption of this chapter to conform thereto. All structures erected on such lot must be designed and erected in conformance with the provisions of this chapter.

E. Reduction of joint use. No lot area shall be so reduced that the dimensions and yard requirements imposed by this chapter cannot be met. However, where existing lots do not satisfy such requirements when reduced, the Board of Appeals may grant a variance.

F. Modification.

(1) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.

(2) Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the projection of sills, cornices and ornamental features which shall not exceed 24 inches, except that in commercial areas a permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard. Fire escapes may project in a yard area not more than five feet.

(3) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, hospitals, smoke stacks, storage tanks, water towers, ornamental towers, masts or aerials and necessary mechanical appurtenances are exempted from the height regulations of this chapter but are subject to other regulations or ordinances of the Village of Holmen.

(4) A ten-foot vision triangle shall be defined at each quadrant of street or alley intersections. No driveways, parked vehicles or objects at a height more than two feet above the highest adjacent top of curb elevation will be permitted within this area. In cases where no curb and gutter exists, objects shall be limited to a height of no more than 2 1/2 feet above the adjacent edge of pavement. The vision triangle shall be established by measuring a distance of 10 feet in both directions from the corner point along the right-of-way lines and connecting those two measured points with a straight line.

(5) In required yards, streets or other areas in all residential districts the overnight parking or storage of machinery, buses carrying greater than 16 passengers, unlicensed or junked automobiles or vehicles used for garbage collection or hauling livestock is prohibited.

(6) The construction of an accessory building shall not precede the construction of a principal building in all residential districts.

G. Swimming pools.

(1) A swimming pool, for the purposes of this section, is a body of water or an outdoor structure containing a body of water in a receptacle or other container (including hot tubs, landscape pools, ponds or water features) having a depth for

water at any point greater than 1 1/2 feet located above or below the ground surface elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semipermanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(2) Location.

(a) Swimming pools constructed in all residential districts shall be located on the same lot as and in either the rear or the side yard of a principal building; however, they shall not be constructed in any front yard or in a required setback area of a corner lot. Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.

(b) Swimming pools constructed in the B-1, B-2 or B-3 Business District shall not occupy any portion of a required front, side or rear yard setback area; however, they may be located in yard areas other than such required yards.

(3) Exempt pools. Storable swimming or wading pools which are constructed so that they may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this section. Landscape water features that are less than 15 feet in any dimension and are less than 1 1/2 feet deep are exempt from the provisions of this section.

(4) Permit required. Before work is commenced on the construction or erection of swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the Village Building Code shall accompany such application. Hot tubs and landscape water features that are less than 15 feet in any dimension and are less than 1 1/2 feet deep are exempt from the permit requirement.

(5) Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction of a swimming pool as provided for in Subsection G(1), above, unless the following construction requirements are observed:

(a) Approved materials. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the Village now in effect or hereafter enacted.

(b) Plumbing. All plumbing work shall be in accordance with all applicable ordinances of the Village and all state codes. Every swimming pool shall be provided with a suitable draining method, and in no case shall waters from

any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such discharge shall be subject to prior approval by the Director of Public Works.

(c) Electrical installations. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool, shall be in conformance with the state laws and Village ordinances regulating electrical installations.

(6) Setbacks and other requirements.

(a) No portion of a swimming pool, decking or pool equipment located outside a building shall be erected or constructed in any front yard or in a required setback area of a corner lot. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

(b) All swimming pools, landscape features, decking and pool equipment shall be at least six feet from any lot line or accessory building.

(7) Enclosure.

(a) Fence; in-ground pools. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

(b) Aboveground pools; pool wall barrier.

[1] An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend not less than four feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool. All gates or doors opening through the barrier shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to

keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

[2] The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of four feet high on the top. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

[3] The pool enclosure may be omitted where hot tubs are secured with a lockable cover.

(8) Compliance. All swimming pools existing at the time of passage of this chapter not satisfactorily enclosed shall comply with the enclosure requirements of this section or when water is placed in the pool. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

(9) Draining and approval thereof. No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Director of Public Works.

(10) Filter system required. All private swimming pools within the meaning of this chapter, must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(11) Dirt bottoms prohibited. All swimming pools of a permanent or semipermanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

H. Fences and hedges.

(1) Fences defined. For the purpose of this subsection, a "fence" is herein defined as a barrier consisting of vegetation, wood, stone, vinyl, brick, fieldstone, wrought iron, or metal intended to prevent ingress or egress. For the purposes of this subsection, the term "fence" shall include plantings, such as hedges and shrubbery in the front yard. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

(a) Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including, but not limited to, brick, fieldstone, wrought iron, vinyl, chain link (with a minimum thickness of nine gauge and a required top rail support), stockade or board-on-board wood.

(b) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as,

but not limited to, railroad ties, doors, landscape timbers or utility poles, shall not be used for or in the construction of a fence.

(c) Agricultural/farm fences shall only be permitted in agriculturally zoned or used districts and can only exceed six feet with a conditional use permit.

(d) Fences associated with baseball and/or softball fields and surrounding tennis courts may be erected in conformance with accepted industry standards. A fence permit shall be required for such installation.

(2) Fences categorized. Fences shall be categorized into six classifications:

(a) Boundary fence: a fence placed on or within three feet of the property lines of adjacent properties.

(b) Protective fence: a fence constructed to enclose a hazard to the public health, safety and welfare.

(c) Architectural or aesthetic fence: a fence constructed to enhance the appearance of the structure or the landscape.

(d) Hedge: a row of bushes or small trees planted close together which may form a barrier, enclosure or boundary in the front yard.

(e) Picket fence: a fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(f) Dog kennel fence: A chain-link enclosure which is enclosed on three or four sides in the side or rear yard of a property.

(3) Height and setback of fences regulated.

(a) Residential fences are permitted up to the property lines in residential districts but shall not, in any case, exceed a height of six feet in the rear and side yards, shall not exceed four feet in height in any front yard (street yard), except as may be permitted in corner lot situations as specified herein, shall not exceed four feet in height from grade in the front, side, or rear yard setback abutting a public sidewalk, shall not encroach into any vision corner and shall not be closer than three feet to any public right-of-way or along a public alley. The height of any fence shall be measured as an average and shall not include the posts or pillars to which a fence is attached. Corner lots with two front (street) yards, may be permitted to have a six-foot-high fence in the area of the rear yard and what would equate to the lot's side yard along the street, only if the fence is set back no less than 15 feet from the street property line. Under no circumstances shall a fence ever exceed four feet in height in the actual established front yard.

[1] Decorative wrought iron, brick, stone, PVC or painted picket-style fences less than 48 inches (average) in height from grade or decorative lot corner landscape may be placed up to the property line in residential districts and shall not violate vision corner ordinances.

[2] Chain-link and unpainted/unstained fencing is not permitted in residential front, side or rear yards abutting a public sidewalk.

[3] A fence located in an interior side yard between dwellings shall not exceed four feet in height. However, a fence may be erected to a height of six feet if the entire fence is constructed of wrought iron or similar open construction or if the area above four feet is at least 50% open. An example of the latter is a fence that is opaque to a height of four feet and is topped with not more than two feet of lattice. Any interior side yard fence may be erected to a height of six feet if it is located more than 10 feet from the side wall of the adjacent neighboring dwelling.

[4] A fence located in a rear yard abutting a public sidewalk may be erected to a height of six feet if the entire fence is constructed of wrought iron or similar open construction or if the area above four feet is at least 50% open. An example of the latter is a fence that is opaque to a height of four feet and is topped with not more than two feet of 50% opaque lattice. In such cases, the fence may only be located in the rear yard (not extend past the rear of the principal structure), and the fence must be set back no less than five feet from the street property line.

[5] All fences must be constructed and maintained in a good state of repair and appearance. The finished side or decorative side of a fence shall face adjoining property.

(b) No fence, wall, hedge, or shrubbery shall be erected, placed, maintained or grown along a lot line on any nonresidentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight feet.

(c) Property owners shall locate fences no closer than three feet from the property line so that each side of the fence may be properly maintained by the owner of the fence while on said owner's property, unless an affidavit in recordable form is provided signed by the adjacent property owner agreeing to maintain the opposite side of the fence or agreeing to permit the owner of the fence to maintain said fence. This requirement can be waived if a maintenance-free fence is installed.

(d) In the case of a proposed fence installation within three feet of a lot line where no record of a fence existed, a survey prepared by a registered land surveyor or professional engineer is required to obtain a fence permit. No survey is required if a recordable affidavit signed by all affected property owners establishing an agreed-upon lot line.

(4) Fences on nonresidential property. Fences are permitted on the property lines, following approval through site plan and architectural review per Article XVI of the Village Code,[1] in all commercial and industrial zoning districts but in no case shall not exceed a maximum of eight feet in height in commercial zoning districts

1. **Editor's Note: See Art. XVI, Site Plan and Architectural Review, in this chapter.**

and 10 feet in height in industrial districts. Ultimately, all fence materials, heights and locations shall be determined through the processes outlined in Article XVI.

(5) Prohibited fences. No fence shall be constructed which is in a dangerous condition or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used exclusively in industrially zoned areas with a conditional use permit, only if the devices securing the barbed wire to the fence are no more than 10 feet above grade and project toward the fenced property and away from public area.

(a) No person shall construct or install:

[1] Any wire or chain-link-type fence with the cut or salvage end of the fence exposed at the top.

[2] A fence which creates a hazard to users of the street or sidewalk or to nearby property.

[3] An incomplete fence, consisting only of posts and supporting members.

[4] A fence on a vacant lot or parcel.

(6) Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

(7) Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fence shall comply with the setback requirements set forth in this subsection. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days or, in the case of a construction project, shall only be for the duration of said construction project.

(8) Nonconforming fences and hedges. Any fence or hedge existing on the effective date of this Code of Ordinances shall not be modified, enlarged, extended or replaced, except in strict compliance with all of the requirements of this subsection. The replacement of a nonconforming fence as to height, setbacks (vision corner requirements shall still be met), or fence material type may be made, provided that the fence material be the same or higher grade as outlined below:

Ascending Order of Fence Types

1 Chain link
2 Chain link with PVC coating
3 Stained treated wood
4 Cedar
5 Vinyl
6 Wrought iron or aluminum

Ascending Order of Fence Types

7 Fieldstone or brick (does not include split-face block)

(9) Fences required under conditional use permits. An opaque fence of six feet in height may be required on property for which a conditional use permit is granted in those cases in which such a fence is determined to be beneficial to the health, safety, or welfare of the public or adjoining property owners. Such fence shall comply with material requirements as specified hereunder.

(10) Permit required. A Village of Holmen fence permit is required for any newly installed fence or for a total fence replacement. A fence permit fee shall be paid at the rate established in the annual Fee Schedule. Commercial, industrial or multifamily fences must adhere to Article XVI of the Village Code.[2]

(11) Vision clearance. No fence, structure, post, pillar or object of natural growth shall hereafter be maintained or allowed to grow higher in the vision clearance area than 36 inches above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists. This provision shall likewise apply to alley vision clearance areas.

(a) The requirement of vision clearance shall not apply at a height of six feet or more above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists.

(b) Objects of narrow width, which do not exceed 10 inches in diameter, which do not impair corner vision, may at the discretion of the Inspection Department be permitted in the vision clearance area.

(c) Right-of-way. All permanent fences shall be located outside the public right-of-way.

(d) Public nuisance. Obstruction to visual clearance, as regulated by this subsection, shall be deemed to be a public nuisance, and the Inspection Department, Police Department and Village Attorney are authorized to abate said nuisance and to enforce penalties in accordance with § 195-53 of the Village Code.

(12) Obstruction of ingress/egress area of a dwelling. No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of six feet shall be maintained between any solid fence and any such window or opening in a dwelling.

(a) The Fire Department and Inspection Department may approve a fence adjacent to a required ingress/egress opening of a dwelling between four feet and six feet if the fence has one of the following features:

[1] For basement ingress/egress openings, the fence opening or gate shall be the width of the ingress/egress opening or four feet, whichever is greater, with no ability to lock or secure said gate, or a four-foot-wide approved breakaway fence panel and the area on both sides of the

2. Editor's Note: See Art. XVI, Site Plan and Architectural Review, in this chapter.

gate/fence shall continuously be free from all obstruction, including vegetation and snow and ice buildup, and shall swing or break away in the direction of egress.

[2] For ingress/egress opening above grade, the fence opening or gate shall be the width of the ingress/egress opening or four feet, whichever is greater, with no ability to lock or secure said gate, or a four-foot-wide approved breakaway fence panel, or the top of the fence shall be no taller than the bottom of the sill of the ingress/egress opening, and the area on both sides of the gate/fence shall continuously be free from all obstructions, including vegetation and snow and ice buildup, and shall swing or break away in the direction of egress.

(13) Fences permitted without a permit. The following types of fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility or block, redirect or cause a drainage problem for the adjacent or downstream properties:

(a) Snow fencing shall be permitted in all districts not exceeding three feet in height, provided that it is removed between April 1 and December 1 of each year. No snow fence shall extend into the street right-of-way line unless installed by the Village or a contractor having a permit from the Village.

(b) Agricultural/farm fences are limited to agriculturally zoned or used districts. An agricultural/farm fence is a fence consisting of chicken wire, deer fence, hog wire, high tensile, wire strand and barbed wire used in the agricultural, farming and livestock business, specifically for livestock, animal, and bird control.

(c) Fences not exceeding two feet in height shall be permitted in all districts. Such fences shall not be placed in any manner which presents a hazard to pedestrians on any public or private sidewalk.

(d) Underground electrical fences are permitted in all districts.

(14) Penalties. Any person, firm or corporation who or which violates, disobeys, neglects, omits or refuses to comply with or who or which resists the enforcement of any of the provisions of this subsection shall be subject to penalties per § 195-53 of the Village Code.

I. Junk and salvage yards.

(1) License required. No person shall use any building or premises for the buying, selling, gathering, delivery, shipping, storing or salvaging of old iron, bottles, paper, rags, farm machinery, vehicles or other materials commonly included in the term "junk" without obtaining a license for the operation of a junk and salvage yard. Outside storage of one or more unlicensed vehicles on the same premises shall be prima facie evidence of the operation of a junk or salvage yard.

(2) Application. Application for a license hereunder shall be made in writing to the Zoning Officer stating:

(a) The location and description of the premises to be licensed.

(b) The nature of the business to be conducted on the premises.

(c) The type of construction of any building to be used in connection with the business.

(d) The applicant's name and address and, if a partnership or corporation, the names and addresses of all officers thereof.

(3) Fee; term. The fee for a license issued hereunder shall be $125 per year. Licenses shall expire 12 months after issuance but may be renewed by the governing body if it is satisfied that the license and the premises comply with this section.

(4) Hearing. The Zoning Officer shall refer an application for a license hereunder to the Village Board, which shall conduct a hearing on such application within a reasonable time, notice of which shall be given by publication and by posting at least once during the 10 days preceding the hearing. If the Village Board is satisfied from the evidence produced at the hearing that the applicant is able to conduct the business and the premises is suitable therefor, the Village Board shall authorize issuance of the license.

(5) Location. No junk or salvage yard shall be located within 500 feet of any residence, other than the residence of the owner of the premises, or any residential or business district or 150 feet of a lake, river or stream. No junk or salvage operations shall be carried on within 25 feet of any street right-of-way.

J. Corner lots. The side yard next to the street of a corner lot shall conform to the front yard requirements of the district in which said corner lot is located.

K. Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

L. Detached energy systems. In addition to the restrictions set forth for fire prevention, no person shall place any detached energy system, including wood or other solid fuel burners or liquid burners, boilers, or furnaces within 200 feet of an abutting residential district lot line. Detached energy systems must also address emissions with a minimum chimney height of 20 feet above grade and must comply with Chapters NR 406 (Construction Permits), 415 (Control of Particulate Emissions) and 431 (Control of Visible Emissions) of the Wisconsin Administrative Code.

ARTICLE II
Terminology

§ 195-9. Word usage and definitions. [Amended 10-12-2000 by Ord. No. 1.00; 5-9-2002 by Ord. No. 2.02; 9-12-2002 by Ord. No. 6.02; 6-12-2003 by Ord. No. 3.03; 1-12-2006 by

Ord. No. 8.05; 7-13-2006 by Ord. No. 7.06; 8-12-2010 by Ord. No. 2.10; 8-11-2011 by Ord. No. 3.11; 7-9-2021 by Ord. No. 5-2021; 6-13-2024 by Ord. No. 6-2024]

For the purpose of this chapter, certain words and terms are defined as listed below. Also, words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state and Village building codes.

ACCESSORY BUILDING OR STRUCTURE — A building or portion of a building subordinate to the main (principal) building or structure on any lot and used for a purpose customarily incidental to the permitted use of the main (principal) building or structure on any lot or the use of the premises (thus an accessory building or structure can only be permitted on a lot with a principal building or structure), including but not limited to garages, prefabricated sheds or buildings for storage, greenhouses, screened enclosures, swimming pools, bathhouse and filter equipment sheds, playhouses, mounted play equipment gazebos, detached decks, satellite dish antennas and open storage (when permitted in proper zoning districts). Carports, quonset huts, makeshift fabric or plastic structures or structures made with unfinished materials shall be prohibited. The total of all accessory buildings shall not occupy more than 1,000 square feet in all residential districts. In all other zoning districts, accessory buildings shall not occupy more than 60% of the total lot area or as approved by the Zoning Administrator or SPAR Board. Any accessory building projected forward of the rear building line of the principal building shall satisfy the same front and side yard requirements as the principal building.

ADULT ENTERTAINMENT USE — An establishment consisting of, including or having the characteristics of any or all of the following:

A. ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes or films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

B. ADULT CABARET:

(1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

(2) A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators or similar entertainers for observation by patrons.

C. ADULT MINI MOTION PICTURE THEATER — An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

D. ADULT MOTION PICTURE THEATER — An enclosed building with a capacity for 50 or more persons used for presenting material distinguished or characterized by an

emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

ALLEY — A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

BED-AND-BREAKFAST — Any place of lodging that provides four or fewer rooms for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

BUILDING — Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building. A carport shall be considered a building.

BUILDING HEIGHT — The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.

CAMPGROUND — A privately or municipally owned parcel or tract of land maintained, intended or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles or sleeping bags, and may include structures to provide services to the patrons, such as rest rooms and bathing and laundry facilities.

DECK — An uncovered exterior structure designed or intended for outdoor living space. A deck or landing of five feet by five feet or smaller does not require a permit. Decks shall have a minimum of 15 feet rear yard setback in all residential districts.

DETACHED ENERGY SYSTEMS — A freestanding unit situated outside the envelope of the structure to be heated, typically consisting of a closed combustion chamber for the purpose of heating water or air for heating.

DWELLING DESIGN AND CONSTRUCTION — Dwellings as defined and permitted by this chapter shall conform to the following. A dwelling shall:

A. Be attached to a permanent foundation meeting the requirements of applicable building code provisions in such manner as to comply with standards for vertical loading, uplift and lateral forces and be so designed and constructed that the floor elevation is reasonably compatible with other dwellings in the area.

B. Have a first story minimum area of 800 square feet and be not less than 20 feet in its smallest horizontal dimension, exclusive of an attached garage, carport or open deck.

C. Have any wheels, axles, hitches, tow bars and other equipment for transporting on streets or highways removed when the structure is placed on the foundation.

D. Have a double pitched roof having a minimum of three inches of vertical rise per foot of horizontal run.

E. Have roof overhang of one foot minimum measured from the vertical sides of the structure.

F. Have roofing material of a type customarily found on conventionally constructed dwellings, including wood shakes or shingles, asphalt composition shingles and fiberglass composition shingles, but not corrugated metal or corrugated fiberglass.

G. Have exterior siding of a type customarily found on conventionally constructed dwellings, including wood clapboards, simulated clapboards such as vinyl, metal or masonite-type siding, wood shakes, wood shingles, brick, stone or other masonry-type siding and wood shakes, wood shingles, brick, stone or other masonry-type veneer materials, but not smooth, ribbed or corrugated metal or plastic panels except when part of solar collector systems.

H. Have a one-car garage with paved driveway.

DWELLING, MULTIPLE-FAMILY — A building designed for and occupied by more than two families, equating to more than two family dwelling units per lot, including attached (no physical or no legal separation) side-by-side dwellings and apartment houses.

DWELLING, ONE-FAMILY — A building either physically detached or legally detached via lot lines or other legal means, designed for and occupied exclusively by one family, equating to no more than one single-family dwelling unit per lot.

DWELLING, TWO-FAMILY — A building designed for and occupied exclusively by two families, equating to two family dwelling units per lot.

EXTENDED-STAY HOTEL — A hotel designed for guests staying for periods of time longer than a few nights and tending to have a higher proportion of suites than normal hotels.

FAMILY — A person living alone, or two or more persons living together in a domestic relationship based upon birth, marriage or other domestic bond, in a dwelling unit.

FARMING — The raising of crops and keeping of farm animals, including but not limited to cattle, fowl, rabbits, sheep, goats and horses.

FEEDLOT — Any livestock feeding or housing area or structure in which the concentration of animals is such that a vegetative cover is not maintained during the summer.

FENCE — Any barrier constructed of wood, wire, metal, stone, vinyl, plastic, shrubbery or a combination thereof, excluding single-stranded fences.

FLAGPOLES — Flagpoles are allowed in the front yard setbacks, but shall not exceed the maximum height for accessory buildings within that district and shall not be placed in a vision triangle.

FRONTAGE — All the property abutting a public road or street.

GARAGE, PRIVATE — An accessory building in residential areas for the storage of motor-driven vehicles.

GARAGE, PUBLIC — Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, painted, serviced, hired, sold or stored.

GREEN SPACE — Any portion of a parcel other than structures and pavement, if planted with grass, plants, shrubs, or trees.

HOME OCCUPATION — A gainful occupation conducted by members of the family only within their place of residence, provided that:

A. The area used does not exceed 25% of the total floor area, excluding attached garage;

B. No article or service is sold or offered for sale on the premises except such as is produced by such occupation;

C. No materials used in or produced by said occupation are displayed or stored outside;

D. No stock-in-trade is kept or sold;

E. No mechanical equipment is used other than such as is permissible for purely domestic purposes;

F. The volume of vehicular or pedestrian traffic or parking shall not result in congestion or be abnormal for a residential neighborhood;

G. No sign other than one unlighted nameplate not more than three square feet is installed;

H. No structural alterations that are not customarily part of the dwelling unit are needed; and

I. No person other than a member of the immediate family living on the premises is employed.

J. No vehicles or equipment, except those owned by the occupants, shall be repaired or maintained at the place of the residence or in any public street.

HOTEL — A building where rooms, with or without meals, are supplied to transient public, or to anyone who may apply, for compensation.

JUNK OR SALVAGE YARD — An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards but not including the purchase or storage of used furniture or household equipment or used cars in operable condition.

KENNEL — The use of land with related buildings and structures for the breeding, rearing, boarding or training of more than four dogs and/or cats over five months of age.

LIVESTOCK UNIT — One thousand five hundred pounds of live animal weight. Animals include but are not limited to cattle, horses, pigs, sheep and buffalo.

LOT — A parcel of land having frontage or legal access to a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

LOT, CORNER — A lot abutting on two or more streets at their intersection.

LOT, DEPTH OF — The mean horizontal distance between the front and rear lot lines.

LOT LINES — The lines bounding a lot as defined herein.

LOT, THROUGH — An interior lot having frontage on two nonintersecting streets.

LOT WIDTH — The width of a parcel of land measured at the rear of the specified setback lines.

MANUFACTURED DWELLING — A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code, One- and Two-Family Uniform Dwelling Code Section 20.07(52), which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.

MANUFACTURED HOME — A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with federal manufactured housing construction standards. (Reference 42 U.S.C. § 5401.)

MOBILE COACH — A transportable single-family dwelling unit which is or may be mounted on wheels, suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing and which was manufactured after June 15, 1976, according to HUD standards.

MOBILE HOME — A transportable factory-built structure designed for long-term occupancy built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

MOBILE HOME LOT — A parcel of land in a mobile home park of not less than 5,000 square feet and designed for the placement of one mobile home.

MOBILE HOME PARK — Any park, court, plot, parcel or tract of land of at least five acres in size owned by a person, state government or a local government and which is designed, maintained, intended or used for the purpose of accommodating more than one mobile home, mobile coach or manufactured home, and shall include all buildings used or intended for use in conjunction therewith. Mobile home parks are intended to be used to protect property owners' values. However, mobile home parks shall not include automobile, motor home or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale. Also excluded are farms where the occupants of the mobile homes work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother or sister.

MOTEL — A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

NONCONFORMING STRUCTURE — Any structure lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which structurally does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NONCONFORMING USE — A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or amendments thereto.

OCCUPANCY — The residing of an individual or individuals overnight in a dwelling unit or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial building.

OCCUPANT — The individual or individuals in actual possession of a premises.

PARKING AREA — An area other than a street used for the temporary parking of motor vehicles.

PRINCIPAL USE OR BUILDING — The main use of the land or building(s) as distinguished from an incidental and subordinate accessory use of land or building(s).

PROFESSIONAL OFFICE — The office of a doctor, surveyor, planner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or a member of a recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation and not more than 25% of the floor area excluding the garage; only one story of a dwelling unit shall be occupied by such office; only one nonresident person shall be employed; and only one unlighted nameplate, not exceeding three square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.

PUBLIC AND SEMIPUBLIC USES — Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums, public, private and parochial preschool, elementary and secondary schools and churches, cemeteries, private clubs and lodges and public storage garages.

RECREATIONAL VEHICLE — A vehicular unit designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper or motor home.

SETBACK — The minimum horizontal distance between the lot line and the nearest point of the building or structure foundation, excluding uncovered steps. A cantilever of windows, fireplaces or similar structures are allowed but shall not extend horizontally greater than two feet from the foundation and shall not exceed 25% of the building wall.

SETBACK LINES — Lines established along highways and streets at specified distances from the right-of-way line, which buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within" the setback line means between the setback lines and the highway or street.

SIGN — See Article XII, Signs, Awnings, Canopies and Billboards, § 195-33.

STORY — That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having 1/2 or more of its height above grade shall be deemed a story, although for purposes of height regulation, building height shall be measured from the base of the first fully exposed floor.

STORY, HALF — The space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.

STREET — All property dedicated or intended for public street purposes.

STREET LINE — A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

STRUCTURE — Anything constructed or erected which is not readily or usually relocated and moved, the use of which requires a permanent location on the ground, or attached to something having a permanent location on the ground.

SWIMMING POOL — A body of water or an outdoor structure containing a body of water in a receptacle or other container (including hot tubs, landscape pools, ponds or water features) having a depth for water at any point greater than 1 1/2 feet located above or below the ground surface elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semipermanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

TEMPORARY STRUCTURE — A movable structure not designed for human occupancy nor for the protection of goods or chattels and forming an enclosure.

TRAFFIC LANE — A strip of roadway intended to accommodate a single line of moving vehicles.

YARD — An open space on the same lot with or without a structure, unoccupied and unobstructed from the ground upward except for vegetation and as otherwise provided herein. The front and rear yards extend the full width of the lot.

YARD, FRONT — A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps. Front yard setback requirements shall be imposed on all street frontages, such as on corner lots. On a corner lot situation, when determining the chosen rear yard, the front yard will be the yard with the chosen street address.

YARD, REAR — A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building, excluding uncovered steps.

YARD, REQUIRED REAR — See "yard, rear."

YARD, SIDE — A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and side lot line. Front yard setback requirements shall be imposed on all street frontages, such as on corner lots.

ARTICLE III
Residential Districts

§ 195-10. R-1 New Single-Family Residential District.

A. Purpose. The R-1 District is intended to provide for single-family residential land uses in newer urban areas served by public sewers. The district is also intended to protect the integrity of residential areas by prohibiting the incursion of incompatible nonresidential uses and is for the exclusive location of single-family dwellings.

B. Permitted uses. The following uses are permitted within an R-1 District:

(1) Single-family dwellings;

(2) Accessory buildings and impervious surfaces or areas that shall not exceed an area of more than 30% of the required rear yard. Accessory buildings are not permitted within the front/street yard setback (fronting any street yard from the principal building); and **[Amended 11-10-2022 by Ord. No. 6-2022]**

(3) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business, such as any commercial, agricultural, industrial or business-related activity or storage that invokes unsightly outdoor storage areas, transient employees, parking impacts, signage impacts, noise impacts or any impacts that would otherwise disturb the residential character of the Residential Zoning District. **[Amended 11-10-2022 by Ord. No. 6-2022]**

C. Requirements. In order to be considered a conforming lot or structure within an R-1 District, a lot or structure must:

(1) Have a minimum lot size of 9,000 square feet and a minimum lot width of 80 feet;

(2) Have a front/street yard setback of 25 feet, a rear yard setback of 25 feet and a side yard setback of 10 feet; **[Amended 11-10-2022 by Ord. No. 6-2022]**

(3) Have a minimum living area of 900 square feet in the principal building;

(4) Not exceed a maximum principal building height of 35 feet; and

(5) Have an accessory building side yard setback of five feet, a rear yard setback of five feet and a maximum accessory building height not to exceed 15 feet. **[Amended 11-10-2022 by Ord. No. 6-2022]**

D. Design requirements. In order to be considered a conforming lot or structure within an R-1 District, a lot or structure must comply as follows: **[Added 11-10-2022 by Ord. No. 6-2022[3]]**

(1) The principal building's dwelling (living) space shall front, access and be addressed off the public street;

3. Editor's Note: Former Subsection D, Conditional uses, was redesignated as Subsection E pursuant to this ordinance.

(2) The square footage of the attached garage space shall never exceed the square footage of the principal building's dwelling (living) area and shall always be secondary to the principal building's dwelling (living) space;

(3) Any impervious surface or area shall have a minimum setback from any neighboring lot line of five feet;

(4) With the exception of driveways and sidewalks specifically approved for street access, the front/street yard setback area shall exist as a green space yard;

(5) Open space yard areas shall exist as green space and must be planted with grass species and maintained in accordance with the Village Code; and

(6) The exterior of the principal building shall never be constructed with excessively bright, distracting or fluorescent-like colors or with materials such as sheet metal or other nondecorative products.

E. Conditional uses. The following uses shall be considered conditional uses within an R-1 District:

(1) Churches, municipal buildings and public and parochial schools; and

(2) Public parks and playgrounds.[4]

§ 195-11. R-2 New Single-Family Residential District.

A. Purpose. The R-2 District is intended to provide for single-family dwellings in newer urban areas on larger lots. The district is also intended to provide an area protected from traffic hazards and safe from blighting influences.

B. Permitted uses. The following uses are permitted within an R-2 District:

(1) Single-family dwellings;

(2) Accessory buildings not exceeding an area of more than 30% of the required rear yard; and

(3) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.

C. Requirements. In order to be considered a conforming lot or structure within an R-2 District, a lot or structure must:

(1) Have a minimum lot size of 14,000 square feet and a minimum lot width of 90 feet;

(2) Have a front yard setback of 30 feet, a rear yard setback of 50 feet and a side yard setback of 10 feet;

(3) Have a minimum living area of 900 square feet in the principal building;

4. Editor's Note: Former Subsection E(3), regarding the sale of hot tubs, which immediately followed, was repealed 11-10-2022 by Ord. No. 6-2022.

(4) Not exceed a maximum principal building height of 35 feet; and

(5) Have an accessory building side yard setback of three feet and rear yard setback of three feet and not exceed a maximum accessory building height of 15 feet.

D. Conditional uses. The following uses shall be considered conditional uses within an R-2 District:

(1) Public parks and playgrounds.

§ 195-12. R-3 Existing Single-Family Mixed Residential District.

A. Purpose. The R-3 District is intended to provide for single-family and two-family dwellings in a traditional neighborhood format. The district is also intended to provide an area protected from traffic hazards and safe from blighting influences. **[Amended 8-11-2011 by Ord. No. 3.11]**

B. Permitted uses. The following uses are permitted within an R-3 District:

(1) Single-family dwellings;

(2) Accessory buildings not exceeding an area of more than 30% of the required rear yard; and

(3) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.

C. Requirements. In order to be considered a conforming lot or structure within an R-3 District, a lot or structure must:

(1) Have a minimum lot size of 6,000 square feet per family and a minimum lot width of 50 feet;

(2) Have a front yard setback of 15 feet (25 feet if platted after 2020), a rear yard setback of 30 feet (25 feet if platted after 2020) and a side yard setback of six feet; **[Amended 5-13-2021 by Ord. No. 3-2021]**

(3) Have a minimum living area of 900 square feet in the principal building;

(4) Not exceed a maximum principal building height of 35 feet; and

(5) Have an accessory building side yard setback of three feet, rear yard setback of three feet and a maximum accessory building height not to exceed 15 feet.

D. Conditional uses. The following uses shall be considered conditional uses within an R-3 District:

(1) Two-family dwellings;

(2) Bed-and-breakfast services;

(3) Residential storage buildings not involving the conduct of a business;

(4) Churches, municipal buildings and public and parochial schools;

(5) Public parks and playgrounds; and

(6) Day-care centers.

§ 195-13. R-4 Two-Family Residential District.

A. Purpose. The R-4 District is intended to provide for two-family dwellings served by public sewer. The district is also intended to provide an area protected from traffic hazards and safe from blighting influences.

B. Permitted uses. The following uses are permitted within an R-4 District:

(1) Two-family dwellings;

(2) Accessory buildings not exceeding an area of more than 30% of the required rear yard;

(3) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business; and

(4) Two-family dwellings that are later split into two, single-family residential units, attached to each other with zero lot line setback on one side in accordance with the R-6 Residential Zoning District. **[Added 2-14-2013 by Ord. No. 3-2013]**

C. Requirements. In order to be considered a conforming lot or structure within an R-4 District, a lot or structure must:

(1) Have a minimum lot size of 12,000 square feet and a minimum lot width of 100 feet;

(2) Have a front yard setback of 25 feet, a rear yard setback of 25 feet and a side yard setback of 10 feet; **[Amended 8-9-2007 by Ord. No. 7.07]**

(3) Have a minimum living area of 1,800 square feet in the principal building;

(4) Not exceed a maximum principal building height of 35 feet; and

(5) Have an accessory building side yard setback of three feet and rear yard setback of three feet and not exceed a maximum accessory building height of 15 feet.

D. Conditional uses. The following uses shall be considered conditional uses within an R-4 District:

(1) Churches and public and parochial schools;

(2) Public parks and playgrounds; and

(3) Day-care centers.

§ 195-14. R-5 Multiple-Family Residential District.

A. Purpose. The R-5 District is intended to provide appropriate areas for multifamily land uses only in urban areas served by public sewers. The district is also intended to provide rental housing in an area protected from traffic hazards.

B. Permitted uses. The following uses are permitted within an R-5 District:

(1) Multifamily dwellings;

(2) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business; and

(3) Accessory buildings not exceeding an area of more than 30% of the required rear yard.

C. Requirements. In order to be considered a conforming lot or structure within an R-5 District, a lot or structure must:

(1) Lot size. **[Amended 10-29-2008 by Ord. No. 6.08]**

(a) For structures two stories above ground or less, have a minimum lot size of 4,000 square feet per family unit up to and including four families and 2,500 square feet per family thereafter and a minimum lot width of 100 feet;

(b) For structures greater than two stories, have a minimum of 40% green space and a minimum lot width of 100 feet. Parking areas do not count toward the green space requirement;

(2) Have a front yard setback of 25 feet, a rear yard setback of 25 feet and a side yard setback of 15 feet; **[Amended 8-11-2011 by Ord. No. 3.11]**

(3) Not exceed a maximum principal building height of 45 feet; and

(4) Have an accessory building side yard setback of three feet and rear yard setback of three feet and not exceed a maximum accessory building height of 20 feet.

D. Conditional uses. The following uses shall be considered conditional uses within an R-5 District:

(1) Charitable institutions, rest homes or nursing homes, private nonprofit clubs and lodges;

(2) Mobile home parks in accordance with mobile home requirements;

(3) Churches;

(4) Public parks and playgrounds;

(5) Single-family homes; and

(6) Recreational vehicle courts. **[Amended 10-12-2000 by Ord. No. 1.00]**

§ 195-15. R-6 Zero Lot Line Single-Family (Two-Family Appearance) Residential District. [Amended 5-9-2002 by Ord. No. 2.02; 8-9-2007 by Ord. No. 7.07; 8-11-2011 by Ord. No. 3.11; 7-9-2021 by Ord. No. 5-2021]

A. Purpose. The R-6 District is intended to provide for two single-family residential units attached to each other with zero lot line setback on one side. They are to be built in newer urban areas served by public sewers. This will permit two single-family homes to be joined, but legally detached along a shared legal lot line, to give the appearance of a two-family dwelling. For that reason R-6 lots will always be approved in sets of two. The district is also intended to protect the integrity of residential areas by

prohibiting the incursion of incompatible nonresidential uses and is for the exclusive location of single-family dwellings.

B. Permitted uses. The following uses are permitted within an R-6 District:

(1) Single-family dwellings;

(2) Accessory buildings not exceeding an area of more than 30% of the required rear yard; and

(3) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.

C. Requirements. In order to be considered a conforming lot or structure within an R-6 District, a lot or structure must:

(1) Have a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet;

(2) Have a front yard setback of 25 feet, a rear yard setback of 25 feet and a side yard setback of 10 feet on the side not attached to an adjoining dwelling and zero feet on the side attached to an adjoining dwelling;

(3) Have a minimum living area of 900 square feet in the principal building;

(4) Not exceed a maximum principal building height of 35 feet; and

(5) Have an accessory building side yard setback of three feet, rear yard setback of three feet and a maximum accessory building height not to exceed 15 feet.

(6) Upon completion of the principal building, a copy of the recorded condominium plat or plat of survey and condominium agreement shall be filed with the Village Clerk.

D. Conditional uses. The following uses shall be considered conditional uses within an R-6 District:

(1) Churches and public and parochial schools; and

(2) Public parks and playgrounds.

§ 195-15.1. R-7 Townhome Multiple-Family Residential District. [Added 2-9-2006 by Ord. No. 1.06; 8-9-2007 by Ord. No. 7.07; 10-29-2008 by Ord. No. 6.08; 8-11-2011 by Ord. No. 3.11]

A. Purpose. The R-7 District is intended to provide for three or more side-by-side, owner-occupied, attached residential units. They are to be built in newer urban areas and/or as a transitional district between the less dense R-1 District and other higher density residential districts or other commercial and industrial districts. The District must be served by public utilities.

B. Permitted uses. The following uses are permitted within the R-7 District:

(1) Multiple-family dwellings in a townhome format such that each unit has a private entrance facing the street;

(2) Accessory buildings not exceeding an area of more than 30% of the required rear yard or as allowed per deed restrictions or contractual agreement, whichever is most restrictive; and

(3) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business.

C. Requirements.

(1) In order to be considered a conforming lot or structure within an R-7 District, a lot or structure must:

(a) Lot size. There shall be provided a lot area of not less than 2,000 square feet and a lot width of not less than 20 feet per dwelling unit. Every dwelling unit, except end units, shall be as wide as the lot upon which it is located.

(b) Have a front yard setback of 15 feet, a rear yard setback of 25 feet and a side yard setback of 10 feet on the side not attached to an adjoining dwelling and zero feet on the side attached to an adjoining dwelling;

(c) Have adequate off-street parking available for a minimum of two vehicles per dwelling unit;

(d) Have a minimum living area of 900 square feet per dwelling;

(e) Not exceed a maximum principal building height of 35 feet; and

(f) Have an accessory building side yard setback of three feet and rear yard setback of three feet and not exceed a maximum accessory building height of 15 feet.

(2) Prior to construction of the principal building, a copy of the recorded condominium plat or plat of survey and condominium agreement shall be filed with the Village Clerk. The agreement shall address the proper preservation, care and maintenance by the original and any subsequent owners of the exterior design, including all common structures, facilities, utilities, access and open spaces and be enforceable by the Village. The agreement must specifically address the following items:

(a) Ensure owner-occupied status;

(b) Accountable resident members of condo association;

(c) Maintenance, monitoring and auditing of condo association escrow funds;

(d) Building maintenance code;

(e) Common area and grounds maintenance code; and

(f) On-site management.

D. Conditional uses. The following shall be considered conditional uses within the R-7 District:

(1) Churches and public and parochial schools;

(2) Public parks and playgrounds;

(3) Single-family detached dwelling as defined under § 195-11 R-2 New Single-Family Residential District; and

(4) Two attached residential units as defined under § 195-15 R-6 Zero Lot Line Two-Family Residential District.

ARTICLE IV
Business Districts

§ 195-16. B-1 Downtown Business District.

A. Purpose. The B-1 District is intended to provide an area for central business needs of the community and to create an area of specialized retail and service business.

B. Permitted uses. The following uses are permitted within a B-1 District: **[Amended 10-12-2000 by Ord. No. 1.00]**

(1) Extended-stay hotels; **[Added 8-12-2010 by Ord. No. 2.10]**

(2) Appliance stores;

(3) Antique;

(4) Bakeries;

(5) Banks;

(6) Barber and beauty shops;

(7) Business offices;

(8) Butcher;

(9) Caterers;

(10) Churches;

(11) Clinics;

(12) Clothing stores and repair shops;

(13) Clubs;

(14) Cocktail lounges;

(15) Cold storage facilities;

(16) Day-care center;

(17) Doctor office;

(18) Drug stores;

(19) Electrical supply;

(20) Financial institutions;

(21) Florists;

(22) Food lockers;

(23) Funeral homes;

(24) Furniture stores;

(25) Furniture upholstery shops;

(26) Gas stations;

(27) Gift store;

(28) Grocery stores;

(29) Hardware stores;

(30) Heating supply;

(31) Hobby shops;

(32) Hotels;

(33) Home occupations;

(34) Laundromats and dry-cleaning establishments employing not over seven persons;

(35) Offices;

(36) Press rooms;

(37) Nightclubs;

(38) Office supplies;

(39) Optical offices;

(40) Pawnshops;

(41) Personal service establishments;

(42) Pet stores;

(43) Pet supply store;

(44) Places of entertainment;

(45) Photographic supplies;

(46) Plumbing supplies;

(47) Post office;

(48) Printing;

(49) Private clubs;

(50) Private schools;

(51) Professional, governmental and business offices;

(52) Publishing;

(53) Radio broadcasting studios;

(54) Residential dwelling units above the ground floor of buildings; **[Amended 8-11-2011 by Ord. No. 3.11[1]]**

(55) Restaurants;

(56) Secondhand stores;

(57) Self-service and pickup laundry and dry-cleaning establishments;

(58) Signs;

(59) Studios;

(60) Taverns;

(61) Variety stores and vegetable stores;

(62) Veterinary clinic;

(63) Video stores; and

(64) Other permitted uses.

C. Requirements. In order to be considered a conforming lot or structure within a B-1 District, a lot or structure must:

(1) Have a minimum lot size of 4,000 square feet on sewered lots;

(2) Not exceed a maximum principal building height of 45 feet; and

(3) Have an accessory building side and rear yard setback of three feet and a maximum accessory building height of 25 feet.

D. Conditional uses. The following uses shall be considered conditional uses within a B-1 District: **[Amended 10-12-2000 by Ord. No. 1.00]**

(1) Public and semipublic uses such as fire stations and emergency shelters;

(2) Modifications of parking requirements;

(3) Bed-and-breakfasts;

(4) Motels;

(5) Equipment repair, services, and sales; **[Added 8-11-2011 by Ord. No. 3.11]**

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1. Editor's Note: This ordinance also provided for the renumbering of former Subsection B(54) through (63) as Subsection B(55) through (64), respectively.

(6) Residential dwellings on the ground floor of buildings; **[Added 8-11-2011 by Ord. No. 3.11[6]]**

(7) Single residential units attached to or part of the business unit; and

(8) Telecommunications towers. **[Added 5-9-2002 by Ord. No. 2.02]**

E. Outside storage. All business, servicing, serving, processing and storage areas shall be conducted within completely enclosed buildings (except for off-street parking and loading areas).

§ 195-17. B-2 General Business District. [Amended 10-12-2000 by Ord. No. 1.00; 5-9-2002 by Ord. No. 2.02; 7-12-2007 by Ord. No. 6.07; 8-11-2011 by Ord. No. 3.11; 7-14-2022 by Ord. No. 3-2022]

A. Purpose. The B-2 District is intended to provide an area for businesses oriented to highway traffic or requiring more space for operation.

B. Permitted uses. The following uses are permitted within a B-2 District, insofar as such use is consistent with Site Plan and Architectural Review (SPAR) requirements, Design Overlay Districts and Village Comprehensive Plan requirements and all other ordinances relevant to such use:

(1) Service stations;

(2) Drive-in restaurants;

(3) Hotels and motels;

(4) Banks with drive-through banking services;

(5) Auto sales (unless located in a Design Overlay (DO) District, then only as a conditional use, and only if such use and overall site design are in keeping with and operate in accordance with the vision of such DO District and the Village Comprehensive Plan);

(6) Convenience store;

(7) Mobile home and equipment sales and services (unless located in a Design Overlay (DO) District, then only as a conditional use, and only if such use and overall site design are in keeping with and operate in accordance with the vision of such DO District and the Village Comprehensive Plan);

(8) Animal hospitals and veterinary clinics;

(9) Marine sales and supplies, RV sales and supplies and other similar on-site sales activities and product/equipment/fleet sales and storage (unless located in a Design Overlay (DO) District, then only as a conditional use, and only if such use and overall site design are in keeping with and operate in accordance with the vision of such DO District and Village Comprehensive Plan);

6. Editor's Note: This ordinance also provided for the renumbering of former Subsection D(5) and (6) as Subsection D(7) and (8), respectively.

(10) Theaters;

(11) Any use permitted in the B-1 District;

(12) Car washes;

(13) Cabinet factory;

(14) Laser products;

(15) Day-care facility; and

(16) Assisted-living or managed-care facility.

C. Requirements. In order to be considered a conforming lot or structure within a B-2 District, a lot or structure must:

(1) Have a minimum lot size of 10,000 square feet and a minimum lot width of 80 feet;

(2) Have a front yard setback of 25 feet, a rear yard setback of 15 feet and a side yard setback of 10 feet;

(3) Not exceed a maximum principal building height of 45 feet; and

(4) Have an accessory building side and rear yard setback of three feet and a maximum accessory building height of 25 feet.

D. Conditional uses. The following uses shall be considered conditional uses within a B-2 District (unless located in a Design Overlay (DO) District, then only if such use and overall site design are in keeping with and operate in accordance with the vision of such DO District and Village Comprehensive Plan):

(1) Truck stops;

(2) Public and semipublic uses, such as fire stations, emergency shelters and Village garages;

(3) Warehousing and mini-warehousing;

(4) Excavating and construction offices, repair and storage;

(5) Grain bins and storage bins;

(6) Single-family residential units attached to or part of the business unit; and

(7) Telecommunications towers.

E. Screening. Outdoor storage of any kind and processing areas of any kind shall abide by the ruling of the Site Plan and Architectural Review Board for all screening requirements, but under no circumstances shall screening ever be less than a minimum of 30% effectively screened from streets and 80% screened adjacent to residential districts. If located in a Design Overlay (DO) District, then such use and overall site design shall adhere to enhanced restrictions for screening and Site Plan and Architectural Review (SPAR) standards and requirements so as to remain in keeping

with and operating in accordance with the vision of such DO District and Village Comprehensive Plan.

§ 195-17.1. B-3 Neighborhood Commercial District. [Added 8-11-2011 by Ord. No. 3.11[7]]

A. Purpose. The B-3 District is intended to allow for smaller-scale, neighborhood-oriented commercial uses in predominantly residential areas.

B. Permitted uses. The following uses are permitted within a B-3 District:

(1) Any use permitted in the B-1 District;

(2) Convenience store;

(3) Bed-and-breakfasts;

(4) Day-care facility; and

7. **Editor's Note: This ordinance also provided for the renumbering of former § 195-17.1 as § 195-17.2.**

(5) Assisted-living or managed-care facility.

C. Requirements. In order to be considered a conforming lot or structure within a B-3 District, a lot or structure must:

(1) Have a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet;

(2) Have a front yard setback of 10 feet, a rear yard setback of 15 feet and a side yard setback of five feet;

(3) Not exceed a maximum principal building height of 45 feet; and

(4) Have an accessory building side and rear yard setback of three feet and a maximum accessory building height of 25 feet.

D. Conditional uses. The following uses shall be considered conditional uses within a B-3 District:

(1) Public and semipublic uses, such as fire stations, emergency shelters and Village garages;

(2) Single-family dwelling units attached to or part of a business unit;

(3) Residential dwelling units located above the ground floor; and

(4) Telecommunications towers.

E. Screening. Outdoor storage and processing areas shall be at least 30% effectively screened from streets and 80% screened adjacent to residential districts.

§ 195-17.2. LI-Light Industrial District. [Added 7-12-2007 by Ord. No. 6.07; amended 5-9-2024 by Ord. No. 4-2024]

A. Purpose. The LI District is intended to provide for light industry and light manufacturing in areas suited for industry based on location, topography, existing streets and potential for utilities and relationships to other uses. The LI District is intended to keep out uses not compatible with industry.

B. Permitted uses. The following uses are permitted within an LI District:

(1) The manufacturing, processing or assembly of goods.

(2) Repair and service of goods or equipment.

(3) Wholesale businesses.

(4) Storing or warehousing of products.

C. Requirements. In order to be considered a conforming lot or structure within an LI District, a lot or structure must:

(1) Have a minimum lot size of 30,000 square feet and a minimum lot width of 100 feet;

(2) Have a front yard setback of 25 feet, rear yard setback of 15 feet and a side yard setback of 15 feet; a corner lot with two street front yards may have one front yard setback at 15 feet for the "side" of the principal structure, assuming only greenspace remains within the remaining fifteen-foot setback area (nothing but landscaping and greenspace can be placed there to qualify for this exception);

(3) Not exceed a maximum building height of 50 feet; and

(4) Have a side and rear yard setback of five feet for accessory buildings.

D. Conditional uses. The following uses shall be considered conditional uses within the LI District:

(1) Telecommunications towers.

E. Screening. Any open storage use shall be screened by being contained within an opaque fence or wall 72 inches high or a visual screen consisting of evergreen or evergreen-type hedges or shrubs spaced at intervals of not more than six feet, located and maintained in good condition within 15 feet of the property line or in any way out of view of the public.

ARTICLE V
Manufacturing District

§ 195-18. M Manufacturing District. [Amended 5-9-2002 by Ord. No. 2.02; 7-12-2007 by Ord. No. 6.07]

A. Purpose. The M District is intended to provide for industry and manufacturing in areas suited for industry based on location, topography, existing streets and potential for utilities and relationships to other uses. The M District is intended to keep out uses not compatible with industry.

B. Permitted uses. The following uses are permitted within an M District:

(1) Food or animal rendering or processing.

(2) Chemical, explosives, asphalt, glue and fertilizer manufacturing.

(3) Concrete mixing plant.

(4) Smelting, foundry or forging operations.

(5) Inflammable gases or liquids operations.

(6) Garbage, rubbish and/or recycling operations if screened.

(7) Junk or salvage yards if screened.

(8) Lumberyards.

C. Requirements. In order to be considered a conforming lot or structure within an M District, a lot or structure must:

(1) Have a minimum lot size of 30,000 square feet and a minimum lot width of 100 feet;

(2) Have a front yard setback of 15 feet, rear yard setback of 15 feet and a side yard setback of 15 feet;

(3) Not exceed a maximum building height of 50 feet; and

(4) Have a side and rear yard setback of five feet for accessory buildings.

D. Conditional uses. The following uses shall be considered conditional uses within the M District:

(1) Telecommunications towers.

E. Screening. Any open storage use shall be screened by being contained within an opaque fence or wall 72 inches high or a visual screen consisting of evergreen or evergreen-type hedges or shrubs spaced at intervals of not more than six feet, located and maintained in good condition within 15 feet of the property line or in any way out of view of the public.

ARTICLE VI
Conservancy District

§ 195-19. C Conservancy District.

A. Purpose. The C District is intended to preserve the natural state of scenic areas in the community, to prevent the uncontrolled, misplaced, uneconomical spread of residential, business or other development, to prevent soil and water pollution and to help discourage intensive development of marginal and floodplain lands so as to prevent potential hazards to public and private property.

B. Permitted uses. The following uses are permitted within a C District:

(1) Parks and parkways, recreation areas and cemeteries;

(2) Management of forestry, wildlife and fish;

(3) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds;

(4) Fishing; and

(5) Uses customarily incidental to any of the above uses.

C. Requirements. The following requirements apply within a C District:

(1) A minimum lot size of 6,000 square feet and a minimum lot width of 42 feet.

D. Conditional uses. The following uses shall be considered conditional uses within a C District:

(1) Gravel or sand pits and quarries, including the washing and grading of products;

(2) Upon written permission from the Village Board in keeping with the purpose of this chapter, after recommendation of the Board of Appeals and a public hearing, landfill areas, sewage disposal and treatment plants, Village garages, water pumping or storage facilities, amusement parks, golf courses and driving ranges, public recreation buildings and public or private camping grounds;

(3) Dams and transmission lines; and

(4) Trapping.

(5) Telecommunications towers. **[Added 5-9-2002 by Ord. No. 2.02]**

ARTICLE VII
Agricultural District

§ 195-20. A Agricultural District.

A. Purpose. The A District is intended to delineate and protect the areas best suited for agriculture and to provide for controlled growth.

B. Permitted uses. The following uses are permitted within an A District:

(1) Single-family residences;

(2) Raising of farm crops; and

(3) Farm buildings only when accessory to a single-family residence.

C. Requirements. In order to be considered a conforming lot or structure within an A District, a lot or structure must:

(1) Have a minimum lot area of 10 acres and a minimum lot width of 80 feet;

(2) Have a front yard setback of 80 feet, a rear yard setback of 50 feet and a side yard setback of six feet;

(3) Not exceed a maximum principal building height of 80 feet; and

(4) Have an accessory building side yard setback of three feet and no maximum accessory building height, except that all accessory buildings must be set back

from all roads and easements or road lines and property boundaries at a distance at least equal to their height.

D. Conditional uses. The following uses shall be considered conditional uses within an A District:

(1) Telecommunications towers. **[Amended 5-9-2002 by Ord. No. 2.02]**

(2) Public and private campgrounds;

(3) Kennels;

(4) Stables;

(5) Adult entertainment uses or districts;

(6) Salvage yards and sanitary landfill sites which must be licensed by the state;

(7) Public and semipublic uses; and

(8) General farming, including raising of crops and keeping of farm animals, including but not limited to cattle, fowl, rabbits, sheep, goats and horses, except farms operated for the disposal of garbage, rubbish, offal or sewage; feedlot limited to 150 livestock units or less; poultry farm housing limited to 10,000 birds or fewer; and signs not over eight square feet in area advertising the sale of farm products produced on the premises.

ARTICLE VIII
Overlay District
[Amended 10-12-2000 by Ord. No. 1.00; 5-9-2002 by Ord. No. 2.02; 7-13-2006 by Ord. No. 7.06; 11-9-2006 by Ord. No. 9.06; 8-11-2011 by Ord. No. 3.11[4]]

§ 195-21. (Reserved)

§ 195-21.1. SO Scenic Overlay District.

The following standards apply to all land within the Village limits where slopes exceed 12% and all land visible from the center line of STH 35, USH 53, CTH HD, CTH D, CTH V, CTH SN, CTH MH and CTH DH and within all zoning districts.

A. Setback. All structures, including billboards, travel trailers and motor homes, shall set back at least 75 feet from STH 35 and STH 53 and be visually inconspicuous in the opinion of the Village Planning Commission. Official signs placed by a government agency will be exempt from the location and setback requirements but shall conform to the intent of this section to the fullest degree possible.

B. Vegetation. A “no cut” native vegetation strip at least 75 feet deep shall be maintained along the bluffs (measured from where the bottom of bluff slope breaks from less than

4. **Editor’s Note: This ordinance also amended the title of this article, which was formerly Scenic Overlay District.**

12% to greater than 12% and where the top of bluff slope breaks from greater than 12% back to less than 12%), except that an access lane up to 15 feet in width may be cleared and maintained per parcel.

C. Walkways. Walkways are allowed if they are necessary to access steep slopes, provided sound erosion control practices are employed and that structures are visually inconspicuous in the opinion of the Village Planning Commission.

D. Setback and screening. All existing structures or improvements to those structures, located at the base or top of hills and bluffs visible from the center line of STH 35, USH 53, CTH HD, CTH D, CTH V, CTH SN, CTH MH and CTH DH, shall be set back from the sight lines (where the bottom of bluff slope breaks from less than 12% to the center line of the roads to greater than 12% and where the top of bluff slope breaks from greater than 12% back to less than 12%) and screened by native vegetation so as to make them visually inconspicuous. Buildings shall be set back at least 100 feet above or below the sight line on areas visible from the center line of the roads specified.

E. Slopes. Building structures and driveways shall not be placed on slopes greater than 12% in any zoning district, except where the Village Board deems the installation is necessary for public health or safety reasons.

F. Topography. Substantial changes to the natural topography made to accommodate building construction, quarrying and private road construction on lands visible from the center line of the roads specified and on any lands where slopes exceed 12% is prohibited, except where the Village Board deems changes are necessary for public health or safety reasons.

G. Height. The height of existing structures or improvements to those structures, including billboards, antennas and weathervanes, located on lands where slopes exceed 12%, shall not exceed the height of the existing vegetation where the structures would otherwise be visible from Village roadways.

H. Utility corridors and roads. Utility corridors, roads and structures in the scenic area shall be constructed to minimize visual impacts.

I. Timber and vegetation removal. Vegetation removal and timber management limitations are hereby established consistent with the Department of Natural Resources Class A Scenic Management Guidelines. (These timber management guidelines are designed to maintain the scenic zone timber in a healthy, forested and aesthetically pleasing condition, reduce damage to residual trees, reduce visible evidence of logging and reduce soil erosion.)

J. Junkyards. Junkyards in areas viewable from STH 35, USH 53, CTH HD, CTH D, CTH V, CTH SN, CTH MH and CTH DH are prohibited.

K. Agriculture. Agricultural uses and structures are exempt from regulations spelled out in this section.

L. Building materials. Building materials of any construction must incorporate natural materials and colors sufficient to be visually inconspicuous in the opinion of the Village Planning Commission.

§ 195-21.2. DO-1 Seven Bridges Design Overlay District.

A. Purpose. This design overlay district is intended to guide the character and quality of development in the Seven Bridges District (Holmen TIF District #2).

B. Design standards and guidelines. All land in the Seven Bridges Design Overlay District is subject to the design standards and guidelines specified in the Seven Bridges Master Plan, adopted June 2010, and as subsequently amended by the Village Board.

C. Interpretation. Where this district imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open space about structures, or greater areas or dimensions of sites than is imposed or required by an existing ordinance or another district, the regulations of this district shall govern.

§ 195-21.3. DO-2 Holmen Drive Design Overlay District. [Added 5-10-2012 by Ord. No. 5-2012; amended 8-12-2021 by Ord. No. 6-2021]

The DO-2 Holmen Drive Design Overlay District is hereby created as defined within the South Holmen Drive Corridor Plan, a component of the Holmen Comprehensive Plan, and subject to the design standards and processes as outlined in such Plan and other pertinent ordinances of the Holmen Village Code; and as is thus modified to transfer the approximate intersection of Main Street and Gaarder Road to the DO-3 Downtown Design Overlay District; and as is thus expanded to include newly annexed areas immediately adjacent Holmen Drive, north of the approximate intersection of McHugh Road and Holmen Drive, and thereafter north along Holmen Drive to the approximate intersection of CTH NA and Holmen Drive; as is thus outlined in the Village of Holmen Design Standards Manual and as is thus supported by the goals and priorities of the Holmen Comprehensive Plan.

§ 195-21.4. DO-3 Downtown Design Overlay District. [Added 8-12-2021 by Ord. No. 6-2021]

The DO-3 Downtown Design Overlay District is hereby created to include the business districts and high density residential areas immediately adjacent to or in the vicinity of Main Street from the approximate intersection of Lake Street and Main Street, and thereafter south along Main Street to the approximate intersection of Gaarder Road and Main Street, as is thus outlined in the Village of Holmen Design Standards Manual and as is thus supported by the goals and priorities of the Holmen Comprehensive Plan.

ARTICLE IX
Conditional Uses

§ 195-22. Application procedure.

The following are the required procedures for the application for and approval of conditional uses:

A. Application and hearing. Any conditional uses listed in this chapter shall be permitted only when reviewed by the Planning Commission and authorized by the Village Board. Application for a conditional use permit shall be made to the Zoning Officer, who shall

refer it to the Planning Commission and the Village Board. The Board shall then schedule a public hearing on the application. Notice of such hearing shall be given by the Village Board by publishing in the official newspaper a display ad setting forth such information as will provide adequate notice to residents of the Village of the proposed application, its location and the time and place of the hearing and the statement that all interested parties will be heard. Such notice shall be published two times, in each of the two preceding weeks, the second not less than seven days before said hearing, and copies of such notice shall be mailed to all abutting property owners within 100 feet by first class mail.

B. Review and approval. The Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems and the proposed operation. **[Amended 10-12-2000 by Ord. No. 1.00]**

C. Determinations. The Planning Commission shall make such findings that it deems appropriate based on the information submitted to it. The Village Board shall consider such findings and recommendations and make the ultimate determination of whether to grant the conditional use and the conditions upon which such grant is made. The determination of the Village Board shall be final. **[Amended 10-12-2000 by Ord. No. 1.00]**

D. Conditions. Conditions, such as landscaping, architectural features and completion dates, sureties, lighting, fencing, planting screens, operation, improved traffic circulation, deed restriction, highway access restrictions, increased yards, grade, drainage or parking requirements, may be required by the Board upon its finding that these are necessary to fulfill the purpose and intent of this chapter. **[Amended 10-12-2000 by Ord. No. 1.00]**

E. Compliance. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.

F. Violation. Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be revoked.

G. Revocations. Revocations may be appealed to the Village Board within 90 days after date of notification.

§ 195-23. Uses requiring conditional use permit; restrictions.

A conditional use permit is required for the following uses. Restrictions for each use are as listed below.

A. Recreational vehicle courts.

(1) Definitions. As used in this Subsection A, the following terms shall have the meanings indicated:

RECREATIONAL VEHICLE COURT — Any plot or plots of ground upon which two or more recreation vehicle sites are located, established or maintained for

occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RECREATIONAL VEHICLE SITE — A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle as defined herein.

TENT — A portable lode of canvas, strong cloth or other similar material stretched and sustained by poles. In this article, one tent shall be considered the equivalent of one recreational vehicle.

(2) Area of applicability. Recreational vehicle courts shall be located only in R-5 Multiple-Family Residential Districts. **[Amended 10-12-2000 by Ord. No. 1.00]**

(3) Recreational vehicle court plan. A recreational vehicle court plan shall be provided for recreational vehicle courts at such locations as may be approved by the Village Board upon review by the Planning Commission according to the minimum standards as hereinafter specified.

(4) Recreational vehicle (RV) court/campground. The site of a recreational vehicle (RV) court/campground must consist of one or more contiguous parcels of 1/2 acre or more. A site can consist of land owned or leased by the applicant. The land must be vacant or have a marina, tavern or industry as its primary use. Land leased by the applicant cannot be occupied by a building nor be required yard area or parking area for such building and must be devoted for use by occupants of the recreational vehicles. The site cannot be separated by a waterway or public way.

All parcels must be zoned agriculture. Parcels contiguous only at a point do not constitute parcels.

(5) Plan review. Any person making application for a recreational vehicle court conditional use permit shall submit with his written application a proposed plan in triplicate.

(6) Area of court. No permit shall be issued for the establishment of a recreational vehicle court unless such court contains not less than 1/2 acre of land to provide a minimum of six recreational vehicle sites. An additional 1,200 square feet shall be provided for each additional recreational vehicle site over six to a maximum of 100 sites; however, nothing herein contained shall prevent the location of a recreational vehicle court on land upon which is located another commercial establishment providing the provisions of Subsection A(4) are met.

(7) Construction standards. In addition to the standards set forth in this code, recreational vehicle courts shall be constructed in compliance with the pertinent rules of the Department of Health and Family Services as set forth in Chapter HFS 178 of the Wisconsin Administrative Code.

(8) Use for dwelling purpose. No person shall place a mobile home or shall place a recreational vehicle within the Village for dwelling purposes, either temporary or permanent, on any land located outside a recreational vehicle court or mobile home court. Occupancy within an authorized recreational vehicle court shall not exceed seven months during any twelve-month period. **[Amended 10-12-2000 by Ord. No. 1.00]**

(9) Use for nonresident purposes. No persons shall hereafter place or use a mobile home or a recreational vehicle for the conduct of any business, profession, occupation or trade as a selling or advertising device on any land within the Village except for the following:

(a) A mobile home or recreational vehicle shall not be considered permissible as an accessory building.

(b) A mobile home or recreational vehicle may be used as a temporary office or shelter incidental to construction on or development of the premises on which it is located only during the time construction or development is underway.

(c) Mobile homes and recreational vehicles occupied as temporary living quarters by persons involved in special events or which are equipped to perform a public service function and operated or sponsored by governmental, civic or other like organizations shall be allowed with the Village as a conditional use at such locations and for such duration as shall be prescribed by the Village President.

(10) Nonconforming uses. A mobile home located within the Village and occupied as a permanent residence at the time of the passage of this section shall hereafter be deemed a nonconforming use and may continue as such but shall be treated in the same manner and under the same rules as any other nonconforming use.

(11) Mobile homes. Except as provided in this code, no person shall store a mobile home on any land within the Village.

(12) Recreational vehicles.

(a) The storage of one recreational vehicle in an accessory private garage building or in the rear yard of any occupied dwelling is permitted, provided that no living quarters shall be maintained nor any business practiced in such recreational vehicle while the same is so parked or stored.

(b) Within an authorized recreational vehicle court, a recreational vehicle shall not occupy a site for more than 60 days during those seasons other than winter without being removed from the court a minimum of 24 continuous hours and may be stored unoccupied during the four-month winter season from December 1 to April 1.

(13) Repair. Mobile homes and recreational vehicles when occupied may be left a reasonable time for repairs at any place where such repairs are ordinarily made.

(14) Sales lots. Unoccupied mobile homes and recreational vehicles may be stored for the purpose of inspection and sale upon any manufactured home, mobile home, manufactured dwelling or recreational vehicle sales lot.

B. Campgrounds.

(1) The minimum size of any campground shall be two acres in gross area.

(2) The maximum number of travel trailers or campsites shall be 20 per acre as computed from the gross area of the park or campgrounds, and in no case shall the square feet of each site be less than 2,000 square feet.

(3) Before beginning operation of any campground, 50% of the sites and 100% of the facilities shall be completed.

(4) In addition to setback from the right-of-way of any state, county or Village road, all campgrounds shall have a boundary zone of 40 feet between any campsite and any side or rear lot line.

(5) The minimum width of roads within a campground shall be 30 feet.

(6) All access roads to and from the campground shall be well lighted and hard surfaced with bituminous concrete or equal materials.

(7) Every campground shall conform to all applicable state laws, as amended. **[Amended 10-12-2000 by Ord. No. 1.00]**

(8) All wiring within a camp must conform to state electrical codes.

(9) Designated spots on each site will be marked or constructed for outside cooking or the building of campfires, and no fires will be allowed outside of these designated areas.

(10) The perimeter of the camping area or perimeter of the parcel must be fenced.

C. Public and semipublic uses. The following public and semipublic uses shall be conditional uses and may be permitted as specified:

(1) Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.

(2) Utilities and communication towers with associated buildings, but not including studios.

(3) Public, private and parochial preschool, elementary and secondary schools and churches, provided the lot area is not less than one acre and all principal structures and uses are not less than 50 feet from any lot line.

(4) Institutions. Religious and charitable institutions and cemeteries, provided that all principal structures and uses are not less than 50 feet from any lot line.

D. Mobile home parks. Mobile home parks may be permitted in the R-5 District as a conditional use and shall conform to the following standards: **[Amended 10-12-2000 by Ord. No. 1.00]**

(1) Minimum park size: five acres.

(2) Minimum distance of any mobile home from the park boundary: 10 feet.

(3) Minimum lot size per mobile home: 5,000 square feet.

(4) Minimum lot width: 50 feet.

(5) Minimum distance between mobile homes: 10 feet all around.

(6) Minimum number of public accesses shall be two. They shall be by sixty-foot roadway with each at least 300 feet apart.

(7) Water and sewer. Each mobile home lot shall be connected to public water supply and sewage disposal systems. The mobile home park shall be furnished with one water meter assigned to the ownership of the mobile home park.

(8) Solid waste. Each mobile home lot shall have adequate garbage and refuse disposal service.

(9) A front yard setback of 15 feet from the roadway serving the unit. No structures or units shall be located within this setback area, nor shall fences exceed a height of four feet. **[Amended 5-9-2002 by Ord. No. 2.02]**

(10) An inclement weather shelter shall be provided.

(11) Recreation area. At least 5% of the total area of each park shall be designated as a recreation area with play equipment furnished and maintained by the park owner.

(12) Landscaping and screening. Along each boundary line of a mobile home park there shall be a landscape planting which shall be so designed and maintained as to be fifty-percent or more opaque between two feet and eight feet above average ground

level at maturity to effectively screen the facility from view. A planting plan shall be submitted as part of the initial mobile home park. Not more than two openings for access shall be provided in such planting, the sizes and locations of which shall be subject to review and approval by the Planning Commission. Such planting shall be completely installed in the first growing season following the issuance of the permit. The Village Board, upon the review of the Planning Commission, may authorize other suitable means of screening a mobile home park, such as a fence of such design and construction as to effectively present a ninety-percent opaque vision barrier from grade to a height of six feet. Any fence authorized in lieu of the aforementioned planting shall be maintained in good condition at all times, and the operator shall prevent any handbills, posters, signs or advertising from being placed on or over same.

(13) Roads and parking. All roadways, parking areas and walkways shall be hard surfaced with bituminous concrete or equal materials. Roadways shall be a minimum of 60 feet in width and adequately lighted. There shall be one off-street parking space for each mobile home and additional parking spaces for automobiles within the park totaling no fewer than two parking spaces for each mobile home lot.

(14) Signs. No signs shall be permitted except the following:

(a) One nonflashing identification sign stating only the name of the court and the services available, provided the sign does not project into the public right-of-way; and

(b) Any necessary regulatory signs such as street name signs, entrance and exit signs, etc.

(15) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office are permitted.

(16) Pad. Each mobile home shall be placed upon a hard-surfaced pad or foundation with six approved tie-down anchors.

(17) All mobile homes and manufactured homes shall meet the construction standards of all federal codes.

(18) Accessory buildings shall not exceed an area of 30% of the required lot, with a minimum side yard setback of 10 feet between building on an adjacent lot and rear yard setback of eight feet. A minimum distance of five feet shall exist between the mobile home and accessory building.

E. Adult entertainment.

(1) An adult-oriented establishment shall be a permitted use in the A Agricultural District. All pertinent general or district zoning restrictions shall apply. In addition, no permit may be granted for an adult-oriented establishment unless it shall be located at least 1,000 feet from:

(a) The boundaries of the following districts: R-1 New Single-Family Residential District, R-2 New Single-Family Residential District, R-3 Existing Single-Family Mixed Residential District, R-4 Two-Family Residential District, R-5 Multiple-Family Residential District, R-6 Zero Lot Line District and PUD Planned Unit Development District.

(b) Any property within the Village then used for residential, church, park or school purposes.

(2) All applicable provisions of the Municipal Code and the Wisconsin Statutes regulating conditional uses shall apply to any request for conditional use for an adult-oriented establishment.

ARTICLE X
Planned Unit Developments
[Amended 8-11-2011 by Ord. No. 3.11; 7-14-2016 by Ord. No. 9-2016]

§ 195-24. Purpose.

The Planned Unit Development (PUD) District is established to allow for variation from the use and dimensional standards defined by other zoning districts when an area of land is developed as a cohesive unit, while insuring substantial compliance to the basic intent of the Zoning Ordinance and adopted plans. This chapter defines the process by which unique standards can be established for each planned unit development.

§ 195-25. Uses.

Any use permitted by right or as a conditional grant in any of the other districts of this chapter may be permitted in the Planned Unit Development District; provided, however, that no use shall be permitted except in conformity with an approved final development and implementation plan pursuant to the procedural and regulatory provisions established by this chapter. Additionally, the Planned Unit Development District may also be used as a simple zoning overlay for any other district of this chapter for the specific purpose of modifying minor or subtle zoning requirements such as, but not limited to, setback requirements, height requirements, lot size requirements and density requirements; provided, however, that the zoning overlay shall still conform to the permitted and conditional use requirements of the underlying district.

§ 195-26. (Reserved)

§ 195-26.1. Lot size; yard; bulk regulations.

In the Planned Unit Development District, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved final development and implementation plan, and shall be construed to be and enforced as a part of this chapter.

§ 195-26.2. Signs.

Signs may be provided in accordance with Article XII of the Village of Holmen Zoning Ordinance and such requirements as are made a part of an approved final development and implementation plan.

§ 195-26.3. Off-street parking and loading.

In the Planned Unit Development District, off-street parking facilities shall be provided in accordance with this Zoning Ordinance and such requirements as are made a part of an approved final development and implementation plan.

§ 195-27. Procedure.

A. The procedure for rezoning to a Planned Unit Development (PUD) District (including use as a zoning overlay) shall be as required for any other Zoning Map amendment under this chapter, except that in addition thereto the rezoning may only be considered in conjunction with a general development plan subject to specific criteria, that may be required by the Village Administrator.

B. Preapplication conference.

(1) A developer desiring to obtain zoning to construct a planned unit development may request a preapplication conference with the Planning Commission prior to submitting an application for the zoning.

(2) The purpose of this preapplication conference shall be to familiarize both the developer and the Planning Commission with each other's intentions with respect to the planned unit development. Although a preapplication conference shall not be required, this preliminary meeting between the Planning Commission and the developer is desirable since it should help clarify many procedural and policy issues.

(3) The developer shall not be required to present any written or graphic materials at the preapplication conference. The Planning Commission cannot approve zoning at the preapplication conference.

C. General development plan. A general development plan application shall be submitted with the rezoning petition and shall include written, quantitative and graphic materials, as may be required by the Village Administrator (a larger and more complex PUD should expect to submit more application materials, whereas certain application materials may not apply or may not be necessary for a smaller and more simplified PUD):

(1) Written materials that the Village Administrator may require include, but shall not be limited to, the following:

(a) Legal description of the total development parcel proposed for development, including exact location and a statement of present and proposed ownership.

(b) Statement of development concept, including the planning objectives and the character of the development to be achieved through the planned unit development.

(c) Development schedule indicating the appropriate date when construction of the planned unit development can be expected to begin and to be completed, including initiation and completion dates of separate stages of a phased development.

(d) Statement of intentions regarding the future selling or leasing of all or portions of the planned unit development, such as land areas, dwelling units and public facilities.

(e) The impact of the development on existing Village services outside the development.

(2) Quantitative data that the Village Administrator may require include, but shall not be limited to, the following:

(a) Parcel size.

(b) Proposed lot coverage of structures.

(c) Total amount of usable open space, both private and public.

(d) Total number and type of dwelling units by number of bedrooms.

(e) Approximate gross residential densities.

(f) Number of parking spaces to be provided.

(g) Total length of streets to be conveyed to the Village government.

(h) Total length of streets to be held as private ways within the development.

(i) Description of type of other public works to be conveyed to the Village government.

(j) Number and types of public facilities.

(3) Graphic materials that the Village Administrator may require include, but shall not be limited to, the following:

(a) Map of existing site conditions, including contours, watercourses, floodplains, unique natural features, existing vegetation and existing buildings.

(b) Existing and proposed lot lines.

(c) Location and size of gross floor area of all existing and proposed buildings, structures and other improvements, including maximum heights and types of dwelling units.

(d) Location and size in square feet of all usable open space and areas to be conveyed, dedicated or reserved as common open spaces and recreation areas.

(e) The existing and proposed circulation, including off-street parking areas, services areas, loading areas and all points of access to existing public rights-of-way.

(f) Proposed pedestrian circulation system.

(g) Existing and proposed utility systems.

D. Referral and hearing.

(1) The general development plan application containing all of the information required by the Village Administrator shall be filed with the Village Administrator, who shall forward the application to the Planning Commission.

(2) Hearing requirement. As with any Zoning Map amendment, no such amendments shall be made without a hearing before the Planning Commission.

(3) Following public hearing the Planning Commission shall forward the general development plan petition to the Village Board, with a recommendation that the plan be approved as submitted, approved with modifications, or disapproved. The Village Board may consider the general development plan accordingly, and too may modify any aspect of the petition before rendering a final recorded approval.

(4) Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a final development and implementation plan, which shall include all required modifications from the recorded general development plan approval, and shall not make permissible any of the uses as proposed until the final development and implementation plan is submitted and approved for all or a portion of the general development plan.

E. Criteria for approval of the general development plan. As a basis for determining the acceptability of a Planned Unit Development District application, the following criteria shall be considered:

(1) Conforms to the adopted Comprehensive Plan for the portion of the Village in which the Planned Unit Development District is located.

(2) Provides benefits to the Village which outweigh its adverse effects. In making this determination, the Planning Commission shall consider the following:

(a) Quality of site design, including integration of a variety of land uses, building types and densities, preservation of natural features, compatibility and adjacent land uses, provision and type of open spaces, and provision of other amenities designed to benefit the general public.

(b) Traffic flow and safety.

(c) Adequacy of utilities and other public works facilities.

(3) Implementation schedule. The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

F. Final development and implementation plan. The final development plan that includes all required modifications from the general development plan approval process, including input from the public hearing and the final decision of the Village Board and any final modifications to the plan that are necessary to address final engineering and site design, and a detailed plan for implementation of all or a part of the proposed Planned Unit Development District must be submitted within a reasonable period of time, as may be determined by the Village Board. If a final development and implementation plan has not been submitted within said time, which the Village Board determines to be a reasonable phase of the total plan, the Village Board may render the Planned Unit Development District void and the previous zoning district shall be reinstated. The final development and implementation plan shall be submitted to the Village Administrator and, in addition to the requirements of the approved general development plan, the Village Administrator may require additional detailed construction and engineering plans and related detailed documents and schedules, including but not limited to:

(1) An accurate map of the area covered by the plan, including the relationship to the total general development plan.

(2) The pattern of public and private roads, driveways, walkways and parking facilities.

(3) Detailed lot layout and subdivision plan where required.

(4) The arrangement of building groups other than single-family residences, and their architectural character.

(5) Sanitary sewer and water mains.

(6) Grading plan and storm drainage system.

(7) The location and treatment of open space areas and recreational or other special amenities.

(8) General location and description of any areas to be dedicated to the public.

(9) General landscape treatment.

(10) Location of trash and garbage receptacles and type of screening.

(11) Proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences and walls.

(12) A development schedule indicating the:

(a) Approximate date when construction of the project can be expected to begin;

(b) Stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;

(c) Anticipated rate of development;

(d) Approximate date when the development of each of the stages will be completed.

(13) Agreements, bylaws, provision or covenants which govern the organizational structure, use, maintenance, and continued protection of the planned unit development and any of its common services, common open areas or other facilities.

(14) A final plat of the lands to be subdivided as part of the specific implementation plan, suitable for recording.

(15) Any other plans, documents or schedules requested by the Village.

G. Approval of the final development and implementation plan.

(1) Following a review of the final development and implementation plan, the Planning Commission shall recommend to the Village Board that it be approved as submitted, approved with modifications or disapproved.

(2) Upon receipt of the Planning Commission recommendations, the Village Board may approve or further modify and approve the plan and authorize development to proceed accordingly or disapprove the plan and send it back to the Planning Commission for further negotiation with the developer.

(3) The developer must build in accordance to the parameters of the final development and implementation plan as adopted and recorded by the Village Board. During the course of construction of an approved Planned Unit Development, the Village Administrator, or if referred to, the Planning Commission, may permit minor modifications to the final development and implementation plan, as long as those minor modifications are not in conflict with the overall intent and purpose of the final development and implementation plan. For example, these modifications may include slight variations in building materials and colors, or in tree and plant species, if the applicant can, for example, demonstrate that the preferred choices were not available or that other similar looking options are more cost effective, etc.; these modifications may also include slight variations to the site plan, utility plans or public or other infrastructure plans if the applicant, for example, can demonstrate that the plan as approved is not feasible due to unforeseen circumstances, etc.; these modifications may also include slight variations to the implementation schedule if the applicant, for example, can demonstrate a hardship that impacts the timing of the development. Any substantial alteration or change or addition to the approved final development and implementation plan or use, however, shall be required to follow the procedure for a general development plan and PUD rezoning as described in this article.

§ 195-28. (Reserved)

ARTICLE XI
Parking and Loading

§ 195-29. Minimum off-street parking required. [Amended 10-12-2000 by Ord. No. 1.00; 11-13-2003 by Ord. No. 7.03]

In all zoning districts, except B-1 Downtown Business District, and unless otherwise herein provided, all newly established uses and all uses which are expanded shall provide off-street parking and unloading space in accordance with the standards set forth in this article. In B-1 Downtown Business Districts, the number of off-street parking spaces shall be one space for each 1,000 square feet of usable floor area and one space per dwelling unit for all dwellings.

Use	Minimum Parking Required
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Two-family and multifamily dwellings	2 stalls for each dwelling unit
Hotels and motels	1 stall for each guest room plus 1 stall for each 3 employees
Nursing homes	1 stall for each 2 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers and other places of public assembly	1 stall for each 5 seats

Use	Minimum Parking Required
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 10 students of 16 years of age or more
Restaurants, bars, places of entertainment, repair shops and retail and service stores	1 stall for each 150 square feet of usable floor area
Furniture and appliance stores, household equipment, showroom of tradesmen and similar uses	1 stall per each 1,000 square feet of usable floor area
Supermarkets, self-service food or beverage shops, retail stores except as otherwise specified and personal service	1 stall per each 200 square feet of usable floor space
Financial institutions, businesses and government and professional offices	1 stall per each 300 square feet of usable floor space
Funeral homes	1 stall per each 4 seats
Bowling alleys	5 stalls per each alley
Manufacturing and processing plants, laboratories and warehouses	1 stall per each 2 employees

§ 195-30. Design of parking and loading areas.

A. Parking space dimensions. Parking shall have minimum dimensions of not less than 10 feet in width and 20 feet in length, exclusive of access drives or aisles. Parking stalls to accommodate handicapped persons shall be designed with dimensions and area in accordance with state law.

B. Loading space dimensions. Loading spaces shall have minimum dimensions of not less than 12 feet in width and 50 feet in length, exclusive of driveways and aisles.

C. Paving. Parking and loading spaces together with driveways, aisles and other circulation areas shall be improved with materials to provide a bituminous or concrete surface.

D. Drainage. The design of all parking and loading areas shall provide for adequate surface water drainage in such a fashion to prevent the drainage of surface water onto adjacent properties.

E. Access driveways. Access roads and driveways shall be a minimum of not less than 12 feet for one-way traffic and 20 feet for two-way traffic. Entrances and exits to parking areas shall be clearly marked.

F. Lighting. Parking areas intended for use during nondaylight hours shall be illuminated sufficient to avoid accidents. Lights shall be so arranged to reflect light away from adjacent property and public streets.

G. Screening. Whenever a parking area is located in a front yard or side yard adjacent to a street, appropriate screening or landscaping shall be provided to minimize the visual appearance. Parking areas located next to a residential district shall be effectively screened on any side facing the residential district. Such screening shall not be less than four feet in height and shall be maintained in good condition.

H. Maintenance. Parking and loading areas shall be maintained in good condition and free of trash and debris.

§ 195-31. Loading space requirements for the B-2 and M Districts.

There shall be provided at the time any building is erected or expanded off-street loading space in accordance with the following requirements. For the purpose of this section, a loading space will be so designed and maintained as to accommodate the type of delivery vehicles contemplated, but shall not be less than 12 feet wide and 50 feet in length, shall be hard surfaced with a dustless all-weather material capable of bearing a live load of 200 pounds per square foot, shall be located on the same lot as the use served and shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to approval by the Village Board.

ARTICLE XII
Signs, Awnings, Canopies and Billboards

§ 195-32. Purpose.

The purpose of this article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Holmen. Painting, posting and general maintenance are excepted. No sign or billboard shall have a message, shape, characteristic or graphic which is prohibited by state statutes.

§ 195-33. Definitions.

The following definitions are used in this article:

AREA OF SIGN — The perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight straight lines.

AWNING — A hood or cover which projects from the wall of the building with a ridged frame structure.

BILLBOARD — A sign which advertises goods, products or facilities or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

BLANKETING — The unreasonable obstruction of view of a sign caused by the placement of another sign.

CANOPY — A shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.

DAY — A day shall be designated as a period of time in terms of calendar days.

DIRECTLY ILLUMINATED SIGN — Any sign designed to illuminate directly from a source originating within or on such sign. **[Amended 9-13-2012 by Ord. No. 3-2012]**

DIRECTORY SIGN — Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial buildings.

ELECTRONIC VARIABLE MESSAGE (EVM) SIGN — An EVM is a permanent, outdoor, secondary, on-premises sign, that is part of a primary, on-premises freestanding sign and is programmed electronically to change its message automatically, including such messages as time, date, temperature, weather or information concerning public service, community service, civic or charitable events or the advertising of products or services for sale on the premises. **[Amended 10-12-2000 by Ord. No. 1.00; 9-13-2012 by Ord. No. 3-2012]**

FLASHING SIGN — Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

FREESTANDING SIGN (ground monument and/or pole sign) — Any sign which is supported by structures or supports in or upon the ground, and independent of support from any building. **[Amended 9-13-2012 by Ord. No. 3-2012]**

IDENTIFICATION SIGN — Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.

INDIRECTLY ILLUMINATED SIGN — A sign that is illuminated from a source outside of the actual sign.

MARQUEE SIGN — Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

NONCONFORMING SIGN — Any sign which does not conform to the regulations of this article.

OFF-PREMISES SIGN — Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.

POLITICAL SIGN — Any sign displaying a candidate for an election or a current election's subject matter.

PORTABLE SIGN — Any sign not permanently attached to the ground which is designed to be easily moved from one location to another. **[Amended 9-13-2012 by Ord. No. 3-2012]**

PROJECTING SIGN — Any sign extending more than 18 inches from the face of a wall or building. **[Amended 9-13-2012 by Ord. No. 3-2012]**

REAL ESTATE SIGN — Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

ROOF SIGN — Any sign erected upon or over the roof or parapet of any building.[5]

SIGN — A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

TEMPORARY SIGN — Any sign intended to be displayed for a short period of time, including real estate or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

WALL SIGN — Any sign attached to, erected on or painted on the wall of a building or structure. **[Amended 10-12-2000 by Ord. No. 1.00; 9-13-2012 by Ord. No. 3-2012]**

WINDOW SIGN — Any sign located completely within an enclosed building and visible from a public way.

§ 195-34. Permit application procedure.

A. Application. Except those specified in § 195-35, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this article and Article XVI of the Village Code, the provisions of the Holmen Comprehensive Plan and any design standards of the Village. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Holmen. Signs shall not be erected or altered until a permit has been issued by the Zoning Officer. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. **[Amended 9-13-2012 by Ord. No. 3-2012]**

B. Required information. Application for a sign shall be made in writing upon forms furnished by the Village which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign.

C. Fee. The fee for each sign permit shall be as established annually, as outlined in the Village of Holmen Fee Schedule. **[Amended 9-13-2012 by Ord. No. 3-2012]**

D. Insurance. Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability

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5. Editor's Note: The former definition of "shopping center," which immediately followed this definition, was repealed 9-13-2012 by Ord. No. 3-2012.

insurance with limits of $300,000 for bodily injury and $1,000,000 aggregate and $100,000 property damage. Proof of insurance shall be presented to the Village before the sign permit is granted.

E. Inspection. Every sign shall be inspected and approved by the Zoning Officer within 30 days after it is erected or altered.

F. Appeals. Any person, firm or corporation aggrieved by any permit denial or decision by the Zoning Officer relative to the provisions of these sign regulations may appeal and seek review of such to the Board of Appeals.

§ 195-35. Signs exempted. [Amended 10-12-2000 by Ord. No. 1.00; 9-13-2012 by Ord. No. 3-2012]

The following signs shall not need a sign permit, provided that they are not located over a public road right-of-way (excluding signs erected by governmental entities) or in, on or over public water. The following signs do not require a permit:

A. Business and manufacturing districts.

(1) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(2) Name, occupation and warning signs not to exceed four square feet located on the premises.

(3) Bulletin boards for public, charitable or religious institutions not to exceed 35 square feet in area located on the premises.

(4) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

(5) Official signs, such as traffic control, parking restriction, information and notices.

(6) Temporary signs, when authorized by the Village for a period not to exceed 30 days.

(7) Rummage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.

(8) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Village and subject to the following:

(a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Village for approval.

(b) The permitted size and location of any such sign shall be at the discretion of the Village based upon the character of the area, the type and purpose of the sign and the length of time permitted.

(c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total.

(d) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine months.

(9) Signs designating entrances, exits, service areas, parking areas, rest rooms and other signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.

(10) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.

(11) Flags and insignia of any government, except when displayed in connection with commercial promotion, such signs shall be subject to review and permit.

(12) Signs and banners erected by the Village of Holmen specifically for the purpose of creating a sense of place and that signify community identity.

(13) Legal notices, identification information or directional information or directional signs erected by governmental bodies.

(14) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, accent lighting or moving lights.

(15) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

(16) Political signs may be placed on private property with the consent of the property owner or the person entitled to possession of the property. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner which would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of s. 12.03 Wis. Stats. Signs related to an election or referendum may be erected no earlier than in the case of an election of candidates for office, the first day for circulation of nomination papers for such office; or in the case of a referendum, the date on which the question is submitted to the electors, and all such signs must be removed within seven days after the election or referendum to which they relate. Said signs shall be a maximum of four square feet.

B. Residential, conservancy and agricultural districts.

(1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four square feet.

(2) Real estate signs not to exceed four square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(3) Name, occupation and warning signs not to exceed two square feet located on the premises.

(4) Bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area located on the premises.

(5) Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(6) Official signs, such as traffic control, parking restrictions, information and notices.

(7) Temporary signs or banners, when authorized by the Village, for a period not to exceed 30 days.

(8) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.

(9) House numbers or signs identifying parks or country clubs or official bulletin boards.

(10) An approved professional sign shall be a sign not exceeding three square feet in area, stating only the name and business or profession of the occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move. Only one such approved professional sign shall be maintained on a premises.

(11) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited time in any district with the approval of the Village and subject to the following:

(a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Village for approval.

(b) The permitted size and location of any such sign shall be at the discretion of the Village based upon the character of the area, the type and purpose of the sign and the length of time permitted.

(c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total.

(12) Political signs may be placed on private property with the consent of the property owner or the person entitled to possession of the property. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner which would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of s. 12.03 Wis. Stats.

Signs related to an election or referendum may be erected no earlier than in the case of an election of candidates for office, the first day for circulation of nomination papers for such office; or in the case of a referendum, the date on which the question is submitted to the electors, and all such signs must be removed within seven days after the election or referendum to which they relate. Said signs shall be a maximum of four square feet.

§ 195-36. Signs requiring a permit. [Amended 10-12-2000 by Ord. No. 1.00; 9-13-2012 by Ord. No. 3-2012; 5-9-2024 by Ord. No. 4-2024]

The following signs shall require a permit to be issued by the Village of Holmen:

A. Business and light industrial and manufacturing districts. Signs are permitted in all business districts and light industrial districts and manufacturing districts, where specified, subject to the following restrictions, (unless approved as part of a planned unit development in accordance with Chapter 195, Article X, of the Village Code); and subject to review and final approval of any additional restrictions or requirements of the SPAR Board per Chapter 195, Article XVI, of the Village Code:

(1) Wall signs placed against the exterior walls of buildings in B-2 Business Districts shall not extend more than 12 inches out from a building's wall surface, shall not exceed a total of 200 square feet in area, or shall not exceed one square foot for every linear foot of frontage, whichever is greater, for any one premises and shall not exceed the height of the wall for which it is displayed. Said wall signs shall not exceed 30 feet in height if the walls in question are greater than the 154 feet and 30 feet respectively.

(2) Wall signs placed against the exterior walls of buildings in B-1 and B-3 Business Districts and LI Light Industrial Districts and M Manufacturing Districts shall not extend more than 12 inches out from the building's wall surface, shall not exceed a total of 75 square feet in area for any one premises and shall not exceed the height of the wall for which it is displayed, and said wall plans shall not exceed 20 feet in height if the walls in question are greater than the 20 feet respectively. The SPAR Board may approve up to 150 square feet of area for wall signs in LI Light Industrial Districts for a principal structure that is over 90,000 square feet in size on any one premises.

(3) (Reserved)

(4) Projecting signs fastened to, suspended from or supported by structures shall not exceed 32 square feet on one side, nor 64 square feet on all sides for any one premises, shall not extend more than six feet into any required yard, shall not extend more than three feet into any public right-of-way, shall not be less than 10 feet from all side lot lines, shall not exceed a height of 15 feet above the mean center-line street grade and shall not be permitted above a driveway or an alley and shall be not less than 10 feet above a sidewalk.

(5) Freestanding signs in B-2 Business Districts shall not exceed 15 feet (with the preference of a masonry ground monument sign not exceeding seven feet) in height above the center line of the grade of the street from which access to the

premises is obtained, and shall not extend into any public right-of-way, and shall be set back a minimum of five feet from the property line (up to a minimum of 10

feet depending upon the circumstances). Signs shall not exceed 100 square feet on one side, nor 200 square feet on all sides for any one premises.

(6) Freestanding signs in B-1 Business Districts and LI Light Industrial Districts and M Manufacturing Districts shall not exceed 10 feet (with the preference of a masonry ground monument sign not exceeding seven feet) in height above the center line of the grade of the street from which access to the premises is obtained, and shall not extend into any public right-of-way, and shall be set back a minimum of five feet from the property line (up to a minimum of 10 feet depending upon the circumstances). Signs shall not exceed 75 square feet on one side, nor 150 square feet on all sides for any one premises.

(7) Freestanding signs in B-3 Business Districts shall be a masonry ground monument sign not exceeding seven feet in height above the center line of the grade of the street from which access to the premises is obtained, and shall not extend into any public right-of-way, and shall be set back a minimum of five feet from the property line (up to a minimum of 10 feet depending upon the circumstances). Signs shall not exceed 32 square feet on one side, nor 64 square feet on all sides for any one premises.

(8) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 10% of the glass area of the pane upon which the sign is displayed.

(9) Other signs. Any sign qualifying as more than one of the above-listed types shall meet the requirements for each type.

(10) Bills and posters shall not be posted on the exterior of buildings or windows.

B. Residential, conservancy and agricultural districts. All signs are prohibited in the residential, conservancy and agricultural districts, except as provided in § 195-35B, and as authorized below, and subject to review and final approval of any additional requirements of the SPAR Board per Chapter 195, Article XVI, of the Village Code:

(1) Permanent subdivision identification signs are authorized if approved as part of a subdivision plat (detailed plans of proposed signs must be submitted at the time of subdivision review) or may be approved subsequently through the granting of a conditional use permit. Such sign shall comply with visibility standards of this Code.

(2) Any public, religious or institutional (school) use approved as a conditional use in any residential district may be permitted wall signs in accordance with § 195-36A(2) of this article, and one freestanding ground monument sign in accordance with § 195-36A(6) of this article. The signs shall indicate nothing more than the name and address of the premises and the schedule of services or other information relevant to the operation of the premises.

§ 195-37. Landscape features. [Amended 9-13-2012 by Ord. No. 3-2012]

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are required and are not counted as allowable sign area.

§ 195-38. Prohibited signs. [Amended 5-9-2002 by Ord. No. 2.02; 9-13-2012 by Ord. No. 3-2012]

A. Signs facing residential districts. No sign, except those permitted in §§ 195-35 and 195-36B, shall be permitted to face a residential district within 50 feet of such district boundary.

B. Traffic interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.

C. Moving or flashing signs. No sign shall be erected which has any moving, changing, scrolling, flashing, rotating, animated or brilliant intermittent messages, parts or lights or bare reflecting-type bulbs. Such signs or activities shall be removed or discontinued immediately subject to the directives and expectations of the Village following notice to the sign owner or lessee. Failure to implement the directives of the Village shall be subject to penalties per § 195-45 of this article and removal of the sign per § 195-39 of this article. Excluded are electronic variable message (EVM) signs allowed by conditional use permit subject to the regulations of § 195-42 of this article and to the provisions of the conditional use permit issued by the Village.

D. Hazardous, distracting or nuisance signs. No signs, billboards or other advertising media, as determined by the Village when considering the safety, health and general well-being of Village residents, which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property, shall be permitted in any district. Such signs or activities shall be removed or discontinued immediately subject to the directives and expectations of the Village following notice to the sign owner or lessee. Failure to implement the directives of the Village shall be subject to penalties per § 195-45 of this article and removal of the sign per § 195-39 of this article.

E. Roof sign. No sign shall be erected on the roof of any structure or above the roof line in any zoning district in the Village.

F. Off-premises signs, billboards, displays and devices. Off-premises signs, billboards, displays and devices shall not be erected in any zoning district in the Village.

G. Number of signs permitted. The number of signs permitted on each premises is subject to review and final approval of the SPAR Board per Chapter 195, Article XVI, of the Village Code, however shall never be permitted to exceed the following restrictions, unless considered as part of a planned unit development per Chapter 195, Article X, of the Village Code:

(1) In B-2 Business Districts, either wall signs or protecting signs within the allowable total square footage shall be permitted on any premises, and no more than one freestanding sign for each street fronting the premises shall be permitted on any premises in accordance with § 195-38I of this article. Signs directing traffic are not included when considering the total number of signs permitted.

(2) In B-1 and B-3 Business Districts and LI Light Industrial Districts and M Manufacturing Districts, either wall signs or projecting signs within the allowable total square footage shall be permitted on any premises, and no more than one freestanding sign shall be permitted on any premises.

H. Signs on public rights-of-way. Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this chapter, or be located within five feet of a property line.

I. Distance between freestanding signs. The distance between freestanding signs shall be a minimum of 100 feet between freestanding signs throughout the street frontage on the same side of the street in order to prevent congestion and maintain traffic visibility. The distance between freestanding signs on the same lot or a lot in common ownership shall be a minimum of 300 feet between freestanding signs (such as B-2 lots abutting multiple streets, when a freestanding sign is permitted on each street).

§ 195-39. Dangerous and abandoned signs.

A. Removal. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of 30 days or when, in the judgment of the Village, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Village Board, or its designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Village Board's or its designee's decision to the Board of Appeals.

B. Alterations. For signs erected before the adoption of this article, said signs shall be removed if considered nonconforming signs and rebuilt or relocated to conform to this article if the cost of reconstruction or relocation is 50% or more of their replacement value, unless otherwise specified in this article. **[Amended 9-13-2012 by Ord. No. 3-2012]**

C. Violations. All signs constructed or maintained in violation of any of the provisions of this article are hereby declared public nuisances within the meaning of this Code. In addition to the penalty provisions for violation of this chapter, the Village Board or its designee may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

Property owners may appeal violations to the Village Board within 90 days of being noticed.

§ 195-40. Variances. [Amended 9-13-2012 by Ord. No. 3-2012]

Variances or exceptions to these sign regulations may be considered by the Board of Appeals under extenuating circumstances.

§ 195-41. Construction and maintenance. [Amended 10-12-2000 by Ord. No. 1.00]

A. Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Village.

B. General requirements.

(1) Construction standards. Signs shall be constructed in a safe structural manner in accordance with the National Building Code and the National Electrical Code, with fireproof and fire-resistant materials, and the Wisconsin state codes, if more restrictive. All signs shall withstand a wind load pressure of 30 pounds per square foot of surface and shall also be fastened, supported and maintained so as to withstand a wind load pressure of 30 pounds per square foot per the American Society of Engineering.

(2) [6] Illuminated signs. Any illuminated signs shall not interfere with surrounding properties or traffic.

(3) Prohibited mounting. No signs shall be painted on, attached to or affixed to any trees, rocks or other similar organic or inorganic natural matter, including utility poles or apparatus.

(4) Blanketing. Blanketing of signs shall not be allowed.

(5) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted and clean at all times, and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

(6) Annexed areas. All signs in newly annexed areas shall comply with this article. Annexed properties containing off-premises signs, billboards, displays and devices shall remove said off-premises signs, billboards, displays and devices within three years of the adoption of an annexation ordinance by the Village. **[Amended 9-13-2012 by Ord. No. 3-2012]**

C. Search lights. The Village Board may permit the temporary use of a search light for advertising purposes in any district provided that the search light will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property

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6. Editor's Note: Former Subsection B(2), Roof signs, was repealed 9-13-2012 by Ord. No. 3-2012. This ordinance also renumbered former Subsection B(3) through (7) as Subsection B(2) through (6), respectively.

and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than five days in any six-month period.

§ 195-42. Electronic variable message (EVM) signs and portable and temporary signs. [Amended 10-12-2000 by Ord. No. 1.00; 9-13-2012 by Ord. No. 3-2012; 12-13-2012 by Ord. No. 9-2012; 9-10-2020 by Ord. No. 5-2020; 5-9-2024 by Ord. No. 4-2024]

A. Electronic variable message (EVM) signs.

(1) Conditional use requirement. With the exception of EVM signs only displaying time and temperature or displaying gas prices, all EVM signs shall be prohibited unless exclusively grandfathered as a preexisting conditional use since September 13, 2012, or permitted only as a conditional use following issuance of a conditional use permit per § 195-22 of Article IX of Chapter 195 of the Village Code and subject to the following restrictions of this section and all of Chapter 195 of the Holmen Village Code of Ordinances.

(2) Location.

(a) EVM signs displaying only time and temperature or displaying gas prices shall be permitted in all business districts; all other forms of EVM signs shall be prohibited in the Village, unless grandfathered as a preexisting conditional use as of September 13, 2012, and allowed to continue operation in that location in accordance with the operational provisions of § 195-42A(3) below; or when located only in any zoning district when on school, religious or Village owned property operating only after issuance of a conditional use. No new conditional use shall be considered when the proposed location is part of a Design Overlay District as defined in Article VIII of Chapter 195 of the Holmen Village Code of Ordinances. EVM signs on school, religious or Village owned property may display only public and community service information and civic and charitable events.

(b) EVM signs shall be located only on single-user lots.

(c) A maximum of one EVM sign shall be permitted per zoning lot; the sign shall be placed along the approved corridor frontage only.

(d) EVM signs shall be located only on freestanding signs. EVM signs shall not be permitted in windows (indoors or outdoors) when viewable to the public in any manner, nor shall such signs be permitted on any wall face of a building. EVM signs shall be built and maintained as part of the primary, on-premises sign and shall be combined with the primary sign when calculating the total square footage of the sign face.

(3) Operation.

(a) Excluding the display of registered trademarks, logos, pictures or other images, all copy, characters and messaging shall be set against a dark background.

(b) The message shall not flash, scroll, scintillate, alternate, fade in or fade out. Illumination representing movement shall be prohibited. Illumination representing animation shall be prohibited. Illumination representing traveling or segmented message displays shall be prohibited.

(c) Any message on an EVM sign shall be displayed for a minimum of four seconds.

(d) EVM signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination (This capability shall exist independent of scheduled dimming by use of software.) such that the light level does not exceed 0.3 footcandle above ambient light, as measured using a footcandle meter at a preset distance depending on sign size. Measuring distance shall be calculated as follows: the square root of the product of the total EVM sign area multiplied by 100. (Example using a twelve-square-foot sign:

$$\sqrt{(12\ x\ 100)}$$

= 34.6 feet measuring distance.)

(e) Messaging that violates the definition, and therefore the defined purpose of an EVM sign, shall be prohibited.

(f) EVM signs shall be maintained so as to be able to display messages in a complete and legible manner.

(g) Preferred text is red lettering on dark or black background.

(h) No EVM sign or message shall create a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.

(4) Size. Excluding display of gas prices, the EVM sign portion of a freestanding sign shall not exceed 40% of the total sign area (square footage).

B. Portable and temporary signs.

(1) Such signs shall be limited in use to 30 days at a time following approval by the Village, provided, however, that the Village shall not give approval for placement of a portable sign if it presents a vision obstruction, and it shall not be displayed more frequently than one time per year at any one location. No more than one sign per premises shall be permitted. Temporary EVM signs are prohibited.

(2) The maximum size shall be 32 square feet on each face, back to back.

§ 195-43. Nonconforming signs.

A. Signs eligible for characterization as legal nonconforming. Any sign located within the Village of Holmen limits as of the date of adoption of this chapter hereafter which does not conform to the provisions of this article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:

(1) The sign was covered by a proper sign permit prior to the date of adoption of this article.

(2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this article.

B. Loss of legal nonconforming status.

(1) A sign loses its nonconforming status if one or more of the following occurs:

(a) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or Act of God or structurally altered in any way, except for normal maintenance and repair. The sign may be reconstructed and used as before if it is reconstructed within three months after such calamity, unless the damaged to the sign is 50% or more of its replacement value, in which case the constructed sign shall comply with the provisions of this article.

(b) The sign is removed, replaced or relocated. **[Amended 9-13-2012 by Ord. No. 3-2012]**

(c) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs.

(d) The sign is declared to be a hazard, is distracting or is a nuisance as determined by the Village when considering the safety, health and general well-being of Village residents, such as off-premises signs, billboards, displays and devices, or signs which create a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property. When considering the removal or discontinuance of a hazardous, distracting or nuisance sign, billboard, display or device, the Village may choose to pay just compensation as required by Wisconsin state law. **[Added 9-13-2012 by Ord. No. 3-2012]**

(2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this article with a new permit secured therefor or shall be removed.

C. Legal nonconforming sign maintenance and repair. Nothing in this article shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.

§ 195-44. Awnings and canopies.

A. Permitted awnings. No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

(1) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.

(2) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight feet above the level of the public sidewalk or public thoroughfare.

(3) Setback from curbline. No awning shall extend beyond a point four feet into the right-of-way.

(4) Advertising. No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed.

(5) Awning insurance requirements. Every applicant for a permit for awning which will overhang the public street or sidewalk shall, before the permit is granted, file with the Village Administrator a liability insurance policy with minimum limits of $50,000 for personal injury to any person and $100,000 for property damage which shall indemnify and save harmless the Village of Holmen from any and all damages, judgments, costs or expense which the Village may incur or suffer by reason of the granting of said permit.

B. Permitted canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

(1) Support. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Village as in compliance with the building code of the Village. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in § 195-41 of this article. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.

(2) Height above sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet above the level of the sidewalk or public thoroughfare.

(3) Setback from curb. No canopy shall extend beyond a point four feet from the face of a wall or building.

(4) Advertising. No advertising shall be placed on any canopy, except that the name of the establishment may be painted or placed in a space not exceeding 24 inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder.

(5) Canopy insurance requirements. Every applicant for a permit for a canopy which will overhang the public street or sidewalk shall, before the permit is granted, file with the Village Administrator a liability insurance policy with minimum limits of $50,000 for personal injury to any person and $100,000 for any one accident and $10,000 for property damage which shall indemnify and save harmless the Village of Holmen from any and all damages, judgments, costs or expense which said Village of Holmen may incur or suffer by reason of the granting of said permit.

§ 195-45. Violations and penalties.

A. Any person, firm or corporation who or which begins, erects or completes the erection or construction of any sign controlled by this article prior to the granting of a permit shall pay a penalty of four times the amount of the permit otherwise required.

B. If the Village finds any sign regulated herein unsafe or insecure or a menace to the public, it shall give written notice to the sign owner and to the property owner.

C. If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within five days after such notice, the Village Board may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this article.

D. Any person, firm or corporation who or which violates any provision of this article shall be subject to the penalties prescribed in Article XIV. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

ARTICLE XIII
Board of Appeals

§ 195-46. Establishment; membership; procedures.

A. A Board of Appeals is hereby established as specified by Wisconsin Statutes Sections 61.35 and 62.23(7)(e). The Board of Appeals shall consist of five members appointed by the Village President, subject to confirmation by the Village Board, for three years, except that of those appointed one shall serve for one year, two for two years and two for three years. The members shall serve without compensation and shall be removable by the President for cause upon written charges and after public hearing. The President shall designate one of the members Chairperson. The President shall appoint an alternate member for a term of three years, who shall act with full power only when a member of the Board of Appeals refuses to vote because of conflict of interest or when a member is absent.

(1) Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

(2) Not more than one member of Village Board may be a member of the Board of Appeals.

(3) The Board of Appeals may employ a secretary and other employees.

B. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. The Chairperson or, in his or her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

C. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and

shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record.

D. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Holmen affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof, as well as due notice to the parties of interest, and shall decide the same within 90 days of receiving a notice of appeal.[10]

§ 195-47. Powers and duties.

A. The Board of Appeals shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector.

(2) To hear and decide special exceptions to the terms of this chapter upon which the Board of Appeals is required to pass.

(3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a practical difficulty or unnecessary hardship exists, and the records of the Board shall clearly show in what particular and specific respects a practical difficulty or an unnecessary hardship is created.

(4) To permit the erection and use of a building or premises in any location, subject to appropriate conditions and safeguards in harmony with the general purposes of this chapter, for such public utility purposes which are reasonably necessary for public convenience and welfare.

B. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the Building Inspector. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on

10. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

which it is required to pass or to effect any variation in the requirements of this chapter.[13]

C. In addition to the foregoing, the Board of Appeals shall have the following specific powers:

(1) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the Zoning Map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.

(2) To call on any other Village department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

D. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

E. In exercising the foregoing powers, the Board of Appeals may, in appropriate cases, establish suitable conditions and safeguards in harmony with the general purposes and intent of this chapter.

ARTICLE XIV
Enforcement and Penalties

§ 195-48. Building permits.

A. General permit requirements. No building of any kind shall be moved within or into the Village of Holmen and no new building or structure, or any part thereof, shall hereafter be erected or ground broken for the same or enlarged, altered, moved, demolished, razed or used within the Village of Holmen, except as herein provided, until a permit therefor shall first have been obtained by the owner or his authorized agent from the Zoning Officer or Building Inspector.[14]

B. Alterations and repairs. The following provisions shall apply to buildings altered or repaired:

(1) Alterations. When not in conflict with any regulations, alterations to any building or structure, or building component of system accommodating a legal occupancy or use but of substandard type of construction, which involves either the structural members of floors, roofs, beams, girders, columns, bearing or other walls, room arrangement, heating or air-conditioning systems, electrical systems, plumbing systems, light and ventilation systems, changes in location of exit stairways or exits or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this chapter applicable to such occupancy and use and given type of construction.

13. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

14. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(2) Repairs. Repairs for purposes of maintenance, replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy or use shall be deemed minor repairs.

(3) When alterations not permitted. When any existing building or structure, for any reason whatsoever, has deteriorated from any cause whatsoever to an extent greater than 50% of the equalized value of the building or structure, as determined by the Assessor, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises within 30 days of notice thereof.

(4) Alterations and repairs required. When any building or structure or building component thereof, whether existing or being constructed, has deteriorated from any cause whatsoever to less than its designed or safe performance level, the owner of such building or structure shall commence within 48 hours to cause such building or structure, or building component thereof, to be restored to its designed or safe performance level. Failure to restore shall cause the building or structure or building component thereof to be considered a menace to public safety and welfare and it shall be ordered vacated and disconnected from utilities, and thereafter no further occupancy or use shall be permitted. If the orders of the Building Inspector are not complied with after due notice and within 30 days, the Building Inspector shall proceed as required by this chapter to have such building or structure demolished.

(5) Use of unsanitary building. No person shall occupy or use, or permit to be occupied or used, any building or structure that is unsanitary, dilapidated, deteriorated or out of repair, thereby being unfit for human habitation, occupancy or use, until the regulations of this chapter are complied with.

(6) Extent of deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

§ 195-49. Issuance of building permits. [Amended 5-9-2024 by Ord. No. 4-2024]

A. New construction. Building permits for new construction shall be issued by the Building Inspector in not less than five nor more than 10 days after a completed building permit application has been submitted to the Building Inspector.

B. Structural additions and accessory buildings. Building permits for structural additions or accessory buildings shall be issued by the Building Inspector in not less than five days nor more than 10 days after a completed building permit application has been submitted to the Building Inspector.

C. Remodeling or demolition. Building permits for remodeling or demolition shall be issued by the Building Inspector in not less than five days nor more than 10 days after a completed building permit application has been submitted to the Building Inspector.

D. Permit expiration. The building permits shall expire within one year.

E. Site plan and architectural review (SPAR). No permit shall be issued until any qualifying structure has first been authorized for development through the Planning Commission's site plan and architectural review (SPAR) process. Any structure that has been SPAR approved must build in strict accordance with the SPAR approval. Thereafter, should there be a desire to change any aspect of an existing SPAR-approved exterior (colors, materials, building features or structures, etc.), the applicant must resubmit such proposed future modification for a new SPAR consideration prior to any modification, and a new building permit shall be required following SPAR approval. Minor repairs and maintenance may take place on the exterior of any existing SPAR-approved structure as long as such repair and maintenance does not change or alter the existing SPAR approval currently authorized. Violations of this provision shall be subject to the penalty provisions outlined in § 195-73.

§ 195-50. Zoning Officer.

A. There is hereby created the office of Zoning Officer for the Village of Holmen as the administrative and enforcement officer for the provisions of this chapter.

B. The Village Board shall designate the Zoning Officer. For such duties, there may be provided the assistance of such additional persons as the Village Board may direct.

C. Duties. it shall be the duty of the Zoning Officer to administer, supervise and enforce the provisions of this chapter and to:

(1) Record all permits issued, inspections made, work approved and other official actions.

(2) Inspect all structures, lands and waters as often as is necessary to assure compliance with this chapter.

(3) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters.

(4) Give notice of all violations of this chapter to the owner, resident, agent or occupant of the premises.

(5) Report uncorrected violations to the Village Attorney and assist him in the prosecution of said violations.

(6) Prepare agendas for the Village Planning Commission and Board of Appeals, including processing of applications for action by those bodies.

D. Powers. The Zoning Officer shall have all the powers necessary to enforce the provisions of this chapter, including the following. The Zoning Officer shall:

(1) Issue zoning permits and occupancy certificates upon application for the erection or use of a structure, land, air or water where such erection or use complies with all of the provisions of this chapter.

(2) Permit temporary events for periods not to exceed 10 days for specific purposes, such as temporary carnivals, sports activities over public ways, church bazaars, charity fund raisers and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said use or operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the Village.

(3) Enter premises, public or private, at any reasonable time for any proper purpose to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes, except in case of emergency.[15]

(4) Revoke any zoning permit or occupancy certificate upon reasonable cause or question as to proper compliance and issue cease and desist orders requiring the cessation of any activity which is in violation of this chapter, such revocation to be effective until reinstated by the Zoning Officer or the Board of Appeals.

(5) Commence any legal proceedings in the name of the Village and with the authorization of the Village Board necessary to enforce the provisions of this chapter.

(6) Recommend to the Planning Commission any additional use regulations the Zoning Officer shall deem necessary to make the operation of this chapter more effective.

§ 195-51. Zoning permit and occupancy certificate.

A. Required. No new building and no existing building which is to be remodeled or relocated shall be issued a building permit until a zoning permit is issued certifying that such construction or change would comply with the provisions of this chapter, based upon the information and plans supplied to the Zoning Officer as required hereunder. Occupancy or use of land, water or buildings and structures shall be prohibited until an occupancy certificate has been issued certifying that all appropriate provisions of this chapter have been met.

B. Procedure. Applications for zoning permits and occupancy certificates shall be made to the Zoning Officer on forms furnished by the Zoning Officer prior to or at the same time as an application for a building permit or prior to the commencement of any use not involving a building permit and shall include the following where pertinent and necessary for proper review:

(1) A statement by the applicant as to the intended use of the premises and buildings thereon.

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(2) An accurate map of the property drawn to a reasonable scale and properly dimensioned showing:

(a) The boundaries of the property involved and address, including subdivision lot and block number or metes and bounds description.

(b) The location of the center line of any abutting streets, existing highway access restrictions, proposed street access points and the locations of off-street parking, loading areas and driveways.

(c) The location on the lot of any existing buildings, proposed additions or proposed new buildings, including the measured distances between such

buildings and from the lot lines and from the center of any abutting street to the nearest portion of such building.

(d) The proposed floor elevation of any proposed buildings in relation to the existing and/or established grade of any abutting streets and the general direction of surface drainage on the lot, including the defined location of any defined drainageway. Such elevation shall be referenced to mean sea level datum.

(e) The high water line of any stream or lake which abuts the property or otherwise directly affects it by flooding.

(f) The boundaries of soil types shown as existing on the property on USDA Soil Conservation Service maps where these are required by the Zoning Officer.[14]

(3) Water supply. Where the proposed use involves human occupancy and connection is not to be made to municipal water service, satisfactory evidence that a safe and adequate supply of pure water is to be provided and the location of any well for that purpose shown on the above map.

(4) Sewage service. Where the proposed use involves human occupancy and connection is not to be made to the municipal sewer system, satisfactory evidence from the County Sanitarian must be provided that an on-site system will be provided. Location of the proposed system must be shown on the map.

C. Permit issuance. Upon determination of compliance by the Zoning Officer of the applicant's request with all applicable provisions of this chapter, including where necessary approval by the Planning Commission of the building site, and upon payment of the proper fee, a zoning permit shall be issued. The applicant shall post such permit in a conspicuous place at the site.

D. Final inspection. Within 72 hours after the notification of the completion of the erection, alteration or relocation of the building, the Building Inspector shall make an inspection of the premises and any building thereon, and if the building and the intended use thereof and the proposed use of the premises comply with the requirements of this chapter an occupancy certificate shall be issued upon request.

E. Expiration. If within 12 months of the date of application for a zoning permit no occupancy certificate has been issued, any zoning permit related thereto shall lapse and the Zoning Officer shall make immediate investigation to ascertain that no use or occupancy has in fact commenced without proper authority. Upon showing of valid cause, the Zoning Officer may grant an extension of such permit for a period not to exceed six months.

F. Temporary occupancy certificate. Pending the issuance of a regular permit, a temporary permit for a nonresidential use may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

permanent occupation. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this chapter to such a degree as to render it unsafe for the occupancy proposed.

§ 195-52. Fees. [Amended 5-9-2002 by Ord. No. 2.02]

A. Fees for building permits, demolition permits, occupancy certificates, conditional uses, zoning changes and amendments, variances or other requests before the Board of Appeals shall be required to defray the costs of administration, map preparation, inspection, public notices and recordkeeping. The Board shall establish a fee schedule by resolution, and the fee schedule shall be published and made available through the Zoning Officer and Building Inspector.

B. Double fees. A double fee may be charged by the Zoning Officer or Building Inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

§ 195-53. Violations and penalties. [Amended 10-12-2000 by Ord. No. 1.00]

Any person, firm or corporation who or which violates, disobeys, neglects, omits or refuses to comply with or who or which resists the enforcement of any of the provisions of this chapter shall, upon conviction, forfeit not less than $10 nor more than $200 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail of La Crosse County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense. Notwithstanding such forfeiture or imprisonment, action may be brought to enjoin, remove or vacate any use, erection, moving or alteration of any building or use in violation of this chapter.

ARTICLE XV
Performance Standards

§ 195-54. Purpose; compliance required.

This chapter permits specific uses in specified districts, and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

§ 195-55. Noise.

The volume of sound inherently and recurrently generated shall not exceed the following standards at any point along the boundaries of the zone in which the use is located:

A. Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

B. Maximum sound-pressure levels shall be measured with a sound-level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and shall not exceed the values for octave bands lying within the several frequency limits given in the following table after the application of appropriate corrections. **[Amended 8-11-2011 by Ord. No. 3.11]**

B-1, B-2 or B-3 Districts

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound-Pressure Level in Decibels
0 to 74	72
75 to 149	67
150 to 299	59
300 to 599	52
600 to 1,199	46
1,200 to 2,399	40
2,400 to 4,800	34
Above 4,800	32

Type of Operation or Noise	Correction in Decibels
Daytime operation only	+5
Noise of impulsive character (e.g. hammering)	-5
Noise of periodic character (e.g. hum or screech)	-5

Manufacturing District

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sounds-Pressure Level in Decibels
0 to 74	79
75 to 149	64
150 to 299	66
300 to 599	59
600 to 1,199	53
1,200 to 2,399	47
2,400 to 4,800	41
Above 4,800	39

Type of Operation or Noise	Correction in Decibels
Daytime operation only	+5
Noise of impulsive character (e.g. hammering)	-5
Noise of periodic character (e.g. hum or screech)	-5

§ 195-56. Vibration.

An operation which creates vibrations that can be measured without instruments, e.g. heavy drop forges or heavy hydraulic surges, shall be set back:

A. In all B Districts, a distance of not less than 500 feet from all lot lines, except where a lot line abuts an M District, in which case no setback is required.

B. In an M District, a distance of not less than 500 feet from the district boundaries.

§ 195-57. Radioactivity.

No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, Standards for Protection Against Radiation, dated June 16, 1957, or any subsequent revisions or amendments.

§ 195-58. Odor. [Amended 10-12-2000 by Ord. No. 1.00]

In all B and M Districts, no emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

§ 195-59. Toxic or noxious matter.

No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business, shall be permitted.

§ 195-60. Site lighting or glare. [Amended 6-13-2024 by Ord. No. 6-2024]

A. No direct or reflected site lighting or glare from any M District, LI District, B District, institutional or public site or multifamily site shall be detectable from any other R District boundary or property; and all site lighting must comply with the design requirements of Article XVI, Site Plan and Architectural Review, § 195-68, Design guidelines; and all site lighting must continuously operate in a manner consistent with the following minimum criteria:

   (1) All exterior lighting shall be energy efficient and shall be located, oriented and of an intensity to illuminate only the building site or lot, where located, without detrimentally affecting activity on adjacent sites or lots or traffic on streets and highways.

   (2) At no time shall a building ever be permitted to use lighting to highlight building contours and elevation lines, including windows and doors. Lighting shall not be located on the roofs of buildings. Any lights affixed to a building shall be oriented downward at an angle from the vertical so as to light only areas of the site.

(3) Lights may not flash, pulsate, be so bright as to impair or hinder vision on public streets or adjacent building sites, or otherwise constitute a nuisance. Exterior lighting shall not shine on or adversely impact neighboring properties or streets.

B. No residential property or owner of such property may intentionally and purposefully shine direct beams of light at another residential property.

§ 195-61. Heat.

No direct or reflected heat from any M District shall be detectable from any R or B District boundaries.

§ 195-62. Dust.

No solid or liquid particles shall be emitted in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air.

§ 195-63. Fly ash.

A. No emission of fly ash in excess of the quantity specified in the following table shall be permitted:

Heat in Fuel Burned (British) thermal (units per hour)	Fly Ash: Rate of Emission (pounds per hour)
1,000,000	1
100,000,000	100
400,000,000	330
1,000,000,000	750
2,000,000,000	1,365
3,000,000,000	1,850
4,000,000,000	2,260
5,000,000,000	2,640
6,000,000,000	2,950
7,000,000,000	3,200
8,000,000,000	3,410
10,000,000,000	3,750

B. For heat content between any two consecutive heat contents given in the table, the fly ash limitation shall be as determined by interpolation.

§ 195-64. Smoke.

No emission of smoke from any source, as measured on the Ringelmann Chart published by the United States Bureau of Mines, shall be permitted in excess of:

A. In all B Districts, a density described as Ringelmann No. 2, provided that a density equal to Ringelmann No. 3 may be emitted for not more than three minutes in any 15 consecutive minutes.

B. In the M District, a density described as Ringelmann No. 3.

§ 195-64.1. Violations and penalties. [Added 6-13-2024 by Ord. No. 6-2024]

Any person who violates any provision or chapter of Article XV, Performance Standards, shall be subject to citation and forfeiture of no less than $200, yet no more than $600 for the first offense, and no less than $400, yet no more than $1,200 for each subsequent offense, plus court costs. Each day the violation continues shall be considered a new offense subject to penalty.

ARTICLE XVI
Site Plan and Architectural Review
[Added 5-10-2012 by Ord. No. 4-2012]

§ 195-65. Establishment; purpose; membership.

There is hereby established a Site Plan and Architectural Review Board for the Village of Holmen, for the purpose of implementing the goals and purposes of the Comprehensive Plan, promoting compatible developments, aesthetics, stability of property values and preventing impairment or depreciation of existing developments. The Site Plan and Architectural Review (SPAR) Board shall consist of the seven members of the Village of Holmen Planning Commission, as appointed by the Village President, subject to confirmation by the Village Board. The Planning Commission, when operating and acting as the SPAR Board, shall operate in accordance with the provisions of this article. No commercial (business), industrial (manufacturing), multifamily (defined as three or more residential units), or institutional structure (public or private) shall be erected, moved, reconstructed, extended or have its exterior altered or changed without the SPAR Board's approval. Very small accessory structures (i.e., fences, very small signs, etc.) and very minor exterior alterations may be exempted by the Administrator or his designee from SPAR Board review; however the Administrator or his designee may at any time request a determination by the SPAR Board.

§ 195-66. Powers.

The Planning Commission, operating and acting as the SPAR Board, shall have the power to:

A. Hear and decide development applications for building plans and site plans, for permission to erect, move, reconstruct, extend, alter or change the exterior, landscape, location of HVAC and utilities, signage and lighting for all commercial, industrial, multifamily and institutional uses.

B. Direct architectural design to conform to a particular form and style, as specified in applicable sections of the Comprehensive Plan and of the Zoning Code (such as overlay districts, or areas requiring design sensitivity, i.e., when in close proximity to highways, the central Village core and residential development).

C. Require more restrictive or stringent standards than those of the zoning district in which the development is located so as to meet the intent to this article and the goals of the Comprehensive Plan.

D. Approve, deny or conditionally approve the application and may request such modifications as it may deem necessary to carry out the purpose of this article.

E. Request assistance from other municipal officers, departments, boards and commissions.

F. Request the applicant to furnish additional information.

G. Hear and decide on applications for building and/or occupancy permits pertaining to significant historic structures, sites or features.

§ 195-67. Principles.

To implement and define criteria for implementing the goals and the purposes set forth in the Village's Comprehensive Plan, the following principles are established:

A. No building or sign, the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards, shall be permitted.

B. No building or sign, the design or exterior appearance of which is so similar to those within reasonable proximity as to create excessive monotony or drabness, shall be permitted.

C. No building or sign where any exposed facade is constructed or faced with a finished material which is aesthetically incompatible with the other facades and which presents an unattractive appearance to the public and to surrounding properties shall be permitted.

D. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

E. Development and redevelopment shall be consistent with the public goals, objectives, principles, standards, policies and design guidelines set forth in the adopted Village Comprehensive Plan or components thereof to accomplish the creation of the Village's visual identity.

F. The use or uses proposed in the development must be either permitted or conditional uses in the zoning district in which the development is located.

G. Any accessory use or uses proposed in the development shall conform to the allowable accessory uses in the zoning district in which the development is located.

H. All submitted plans shall at a minimum conform to all other applicable standards of the Village Municipal Code.

§ 195-68. Design guidelines.

The following design guidelines are established for all development applications for commercial, industrial, multifamily and institutional uses:

A. Building design.

(1) Architectural style is not restricted; however, structures shall be consistent or compatible with the surrounding area. Compatibility may be achieved through the use of various visual architectural elements, such as similar rooflines, building orientations, forms/shapes, proportions (scale and mass), door and window patterns (fenestration), textures, materials, colors and other architectural detailing. Building lighting, signage and mechanical equipment also shall be presented as an integral

part of the building design and shall not detract from the architectural style of the building.

(2) The composition of major building elements, such as massing, rooflines, colors and material shall complement and contribute to a desirable community identity.

(3) Colors shall be harmonious and relate to the overall site and to the Village as a whole. Bright complementary colors may be used for highlighting purposes (accenting), provided that such colors do not overbear the integrity of the building facade.

(4) Rooftop mechanical equipment, trash/dumpster areas, and other utility hardware located on the site shall be screened from public view with building and landscape material or be located in a manner that is unobtrusive.

(5) No rows of garage doors for multifamily uses and no overhead service doors or loading docks shall face a public street. The SPAR Board may allow such features to face a public street when it finds that there is no feasible alternative orientation for such doors or docks and, insofar as is practicable, such doors and docks facing public streets are to be screened with landscaping and/or softened by architectural detailing.

(6) Accessory buildings and structures shall be compatible with the principal building in terms of building facade character, roof shapes, materials, colors and architectural details.

B. Exterior building materials.

(1) Materials shall be consistent or compatible with the architectural character of the Village and shall be consistent with the surrounding area. Where the proposed materials are dissimilar to prevailing materials used on existing buildings in the area, other characteristics such as form, proportion, texture, color and detailing shall be utilized to ensure that adequate similarity exists for the building to be compatible, despite the use of different materials.

(2) Materials shall be of durable quality.

(3) The facades of buildings shall be finished with an aesthetically pleasing material(s), such as natural or cultured stone, brick, wood, glass panels, or ornate masonry materials, except where the building style requires a different material. No plain concrete-block or plain concrete-panel buildings or smooth or corrugated metal-faced buildings that are devoid of an architectural merit or character, except those with an attractive finished surface listed above, may be allowed.

(4) Building facades clad with a single exterior surface material shall provide some additional architectural design elements to break up the plane of large faceless and/or nondescript walls. This may be achieved by architectural design treatments consistent with the principal building design.

C. Lighting standards.

(1) All exterior parking areas must be illuminated.

(2) Illuminating curb cuts and entrances to parking areas is encouraged.

(3) All exterior lighting shall be energy efficient and shall be located, oriented and of an intensity to illuminate only the building site or lot, where located, without detrimentally affecting activity on adjacent sites or lots or traffic on streets and highways.

(4) Lighting shall not be located on the roofs of buildings. Any lights affixed to a building shall be oriented downward at an angle from the vertical so as to light only areas of the site.

(5) Lights may not flash, pulsate, be so bright as to impair or hinder vision on public streets or adjacent building sites, or otherwise constitute a nuisance.

(6) Mixing of lighting types (i.e., sodium vapor, incandescent, mercury vapor and metal halide) shall be avoided.

(7) Integration of similar lighting fixtures is encouraged.

(8) Exterior lighting shall not shine on or adversely impact neighboring properties or streets.

(9) Exterior lighting components, such as fixtures, standards and exposed accessories, should be consistent with the overall site design.

(10) The height of exterior lighting fixtures shall be compatible with the scale of adjacent buildings.

D. Landscaping.

(1) Landscape design shall be integrated with the overall site plan and not be considered merely as an afterthought. Interesting or creative landscape architectural designs that use a diverse variety of plants integrated with other landscaping materials or features should be provided to avoid uncreative and monotonous landscaping.

(2) Landscape plans shall be well-planned and effective in the following areas: along street frontages, within and around paved parking areas and within buffer yards as screening for adjoining properties.

(3) Terrace/street trees shall be planted to provide a street frontage buffer.

(4) Paved parking areas shall be landscaped in order to minimize the impact of large expanses of pavement. Large paved areas shall include well-designed landscape islands. Planter islands shall contain trees and shrubs. Parking areas shall also be screened along the periphery to soften the impact for adjoining properties. Parking areas shall be curbed and control site stormwater.

(5) Landscaping shall be used to screen loading areas, dumpsters and mechanical equipment from public view; or they shall be located so as not to be visible from

public ways. If landscaping materials are used, they shall form an immediate, solid and continuous screenl Solid fencing with landscaping as an accent may be necessary to totally screen loading areas, trash dumpster areas or mechanical equipment from view.

(6) Trees and shrubs shall not create blind spots along traffic ways for pedestrians or vehicular traffic.

(7) In addition to the minimum landscaping and greenspace required in the zoning district in which the development is located, the site plan and landscape plan shall provide suitable greenspace and landscaping to conform to the overall intent of this article's site plan and architectural review standards.

(8) Fences shall be constructed of material and shall be sized and located in a manner that shall complement the building and adjacent properties.

E. Signage.

(1) Signs shall be consistent or compatible with the architectural character of the principal building and/or the surrounding area.

(2) Every sign shall be considered within its setting and designed according to the scale and proportions in which it will be viewed.

(3) The mass of an awning used as a sign shall not dominate the facade of the building to which it is attached.

(4) Freestanding signs shall be appropriately landscaped, however and whenever possible.

§ 195-69. Applications for review.

Applications for review by the SPAR Board shall be made to the Administrator and shall be accompanied by the following required documents that shall include and identify the exterior elevations of the existing and proposed structure, description of the proposed materials and color schemes, the overall site plan (also identifying loading areas, any outside storage and any accessary structures), the HVAC and utility locations, the parking plan, the landscaping plan, the stormwater plan, the signage plan, the lighting plan and when necessary a floor plan.

A. Process.

(1) Applicants shall be responsible for all required submittal information. Applications that are considered incomplete shall not proceed to the SPAR Board for consideration.

(2) The Administrator or his designee shall determine if the application requires review, as a very small accessory structure or very minor exterior alteration may be exempted from this process.

(3) Should an application require SPAR Board review, the applicant is encouraged to work with Village staff to formalize a final application. Necessary Village

departments shall review preliminary proposals and submit comments and recommendations to the applicant. At the request of the applicant or Village staff, and to expedite the process, a meeting or meetings may be held to discuss the review comments and recommendations toward creating a final application consistent with this article.

(4) Following preliminary discussions, and review of comments and recommendations, Village staff or the applicant may request a preliminary concept or feedback review from the Planning Commission; to informally review a specific part of or the concept of the total application. The applicant shall submit 12 plans or sets of plans (11 inches by 17 inches) to be reviewed, as requested by the Administrator, at least 10 full days prior to the Planning Commission meeting. Such discussion with the Planning Commission shall only be informational and shall not be considered a final review of the acting SPAR Board.

(5) Any resubmittal of plans submitted by the applicant in response to a preliminary review with staff or with the Planning Commission, shall be reviewed by Village staff within two weeks of resubmittal.

(6) Final review of application and appearance before the SPAR Board requires 12 complete sets (11 inches by 17 inches) of all revised and final documents as identified in this section. The applicant shall submit a complete formal application at least 10 full days prior to the regularly scheduled meeting of the Planning Commission (SPAR Board).

(7) Village staff shall review the formal submittal for compliance with the results of the preliminary review process and may present a final recommendation to the SPAR Board.

(8) The SPAR Board shall approve, approve with conditions or deny the formal review application within 60 days of submittal, or the process may be extended via written approval of the applicant.

(9) Where a rezoning of property is required, and the rezoning occurs concurrently with the site plan and architectural review process, this process may be adjusted to conform to the requirement of a public hearing at the plan commission level and review and consideration of the rezoning by the Village Board.

(10) The SPAR Board shall issue a decision, which shall be considered the final meeting for the application, and the decision shall be binding upon the applicant.

§ 195-70. Findings and modifications.

The SPAR Board shall not approve any application unless it finds that the purposes and guidelines set forth in this article have been reasonably met. In certain situations, the SPAR Board may allow modifications or grant exceptions to the guidelines set forth in this article on the basis of compelling architectural merit or where the strict application or adherence to established guidelines may be impractical or impossible due to site conditions or other circumstances beyond the control of the applicant.

§ 195-71. Decision.

The SPAR Board shall hear and decide all applications during the regularly scheduled meeting of the Planning Commission, and action on such decision shall be considered the final meeting for the application. In approving, approving with conditions or denial of a site plan and architectural review application, the SPAR Board shall state its findings toward approval or denial based on the intent and review criteria of this article. The findings of the SPAR Board shall be indicated in the minutes of its proceedings and shall be a public record. For those elements of an application that have been approved by the SPAR Board, building permits may be reasonably issued. After approval, it is the applicant's responsibility to apply for and submit required information for a building permit, separate from this site plan and architectural review process.

§ 195-72. Appeals.

Any person aggrieved by any decisions of the SPAR Board may appeal the decision to the Village's Zoning Board of Appeals. Such appeal shall be filed with the Clerk within 30 days after filing of the decision with the Clerk.

§ 195-73. Violations and penalties. [Amended 9-10-2020 by Ord. No. 5-2020]

Any person who violates any provision of this article shall be required to forfeit not less than $500 nor more than $2,000, plus costs, for each violation. Each consecutive day in which the violation has not been remedied shall be considered as a new violation subject to further penalty.

§ 195-74. Severability.

The provisions of this article are severable. If any provision of this article is held to be invalid or unconstitutional or if the application of any provision of this article to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this article which can be given effect without the valid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Village Board that this article would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

ARTICLE XVII
Landscaping and Bufferyards
[Added 12-14-2017 by Ord. No. 5-2017]

§ 195-75. Purpose.

The purpose of this article is to establish landscaping requirements and other regulations intended to preserve and maintain vegetation in a manner that promotes the natural resource protection, high quality aesthetics, and public health goals of the Village. It is also the intent of this article to provide flexible requirements that encourage and allow for creativity in landscape design.

§ 195-76. Applicability.

A. The requirements of this article shall not apply retroactively to existing buildings, structures, or paved areas, including requirements for bufferyards.

B. Any use, except for those listed under Subsection E, shall provide landscaping in accordance with the regulations of this article, including new construction and expansion activities which add impervious surface (e.g., expansion of existing buildings, structures and parking lots).

C. Additional landscaping requirements may be specified by the Zoning Administrator and/or Site Plan and Architectural Review Board (SPAR Board) to meet the intent of the Village's Comprehensive Plan.

D. Where insufficient site area remains to comply with all provisions of this section, the Village may require compliance to the extent practical.

E. Single family, two-family, and agricultural land uses are exempt from landscaping requirements.

§ 195-77. Landscaping plan and design standards.

A. The applicant shall provide a landscaping plan prepared by a landscape architect, depicting the following:

(1) Plan shall be drawn at a reasonable scale to clearly delineate the landscape improvements and shall include a north arrow, property lines, and easements.

(2) Zoning of the subject property and abutting properties.

(3) Linear feet of the new/expanded building foundation and street frontage.

(4) Square footage of the total lot and new/expanded paved area.

(5) Existing landscaping to be removed.

(6) Existing landscaping to remain including type/name, size, number, and number of landscaping points per Figure 195.78 doubled.[15]

(7) Proposed landscaping meeting the requirements of this article including type/name, size, number, and number of landscaping points per Figure 195.78.

B. Plant and groundcover material.

(1) Plant materials provided in conformance of the provisions of this section shall be of nursery quality and tolerant of individual site microclimates.

(2) Mulch is encouraged to consist of shredded bark or chipped wood or other organic material. Landscape stone mulch is discouraged.

15. Editor's Note: See § 195-78, Landscaping points.

(3) Mulches shall be installed so that they will not erode, fall, be plowed or otherwise transported into walks, drives, streets or other hard surfaced portions of the site.

C. Parking lot design.

(1) Parking spaces must be broken by a tree island at the rate of one island for each linear row of 20 parking spaces.

(2) All tree islands and landscaped areas with trees shall have a minimum width of eight feet as measured from outside the curb or frame.

(3) All landscaped areas without trees, but planted with shrubs, shall have a minimum width of three feet measured from inside the curb or frame.

(4) Parking lots adjacent to residential properties shall provide opaque screening of vehicle lights to a minimum height of four feet. Screening devices may include a fence, berm, and/or evergreen trees.

D. Landscaping locations.

(1) Landscaping shall be distributed throughout the property, along street frontages, within parking lot interiors, and as foundation plantings as specified in this article.

(2) Unless meeting the requirements in Subsection (3) below, landscaping shall not be located within a public right-of-way, and shall not impede vehicle or pedestrian visibility.

(3) The Village may require the street frontage landscaping to be placed within the right-of-way and shall collect fees to purchase and install such landscaping.

E. Use of required bufferyard and landscaped areas.

(1) Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian and bike trails provided: 1) no required material is eliminated; 2) the total width of the required bufferyard, or the total area of required landscaping, is maintained; and 3) all other regulations of this chapter are met.

(2) No active recreational uses (e.g., swimming pools, tennis courts, sports fields, golf courses, etc.), parking areas, buildings, outdoor light fixtures and outdoor display areas shall be permitted in required bufferyards and landscaped areas.

(3) Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

F. Other green space areas.

(1) Green space areas not used for landscape plantings, excluding natural resource protection areas, shall be graded and seeded or sodded with an acceptable maintainable seed mix, restored to native vegetation, or maintained in crop production (if approved by the Plan Commission).

§ 195-78. Landscaping points.

This section shall be used to establish the points per plant species and type, as described below and in Figure 195.78. See §§ 195-79 and 195-80 for landscaping requirements by zoning district. See § 195-86 for prohibited plant species and § 195-87 for points by permitted plant species.

A. In calculating the number of required landscaping points under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number. Any partial plant derived from the required calculations of this section shall be rounded up to the next whole plant (e.g., 23.3 rounds up to 24).

B. In the case of building/paving expansion, only the new portion is required to provide landscaping. This is calculated by taking the square footage of the addition divided by the square footage of the existing building/paving area. This percent increase shall be used to dictate meeting the requirements of this article.

C. The installation of a rain garden or bioswale may count toward meeting the Village's yard area, building foundation, and/or paved area landscaping point requirement based on 20 points for every 20 square feet, provided the requirements of § 195-81 are met.

D. Landscaping point values shall be doubled for mature existing tree plantings that are retained and protected with the development of the site, except for those listed on the prohibited plant species list (see § 195-86). The preserved tree shall be protected during construction through the use of a fence around the drip line. If any preserved trees are lost to damage or disease within three years after plan approval, the owner shall replace said trees with the number of trees that would otherwise have been required.

E. Landscaping materials, fences and berms located within a duly recorded utility or a pedestrian easement shall not count toward meeting a landscaping requirement, unless authorized otherwise by the Village. The width of such area(s) may be counted as part of a landscaping requirement.

Figure 195.78: Landscaping Points

Plant Category	Points Per Plant	Minimum Installation Size
Shade Tree	75	2" Caliper
Tall Deciduous Tree	30	1 ½" Caliper
Medium Deciduous Tree	15	6' Tall
Low Deciduous Tree	10	4' Tall
Tall Evergreen Tree	40	5' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	3' Tall
Tall Deciduous Shrub	5	36" Tall
Medium Deciduous Shrub	3	24" Tall
Low Deciduous Shrub	1	18" Tall
Medium Evergreen Shrub	5	18" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Rain Garden / Bioswale	20 / 20 SF	N/A
Non-contributory Plants	0	N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865

§ 195-79. Landscaping distribution requirements, excluding bufferyards.

Landscaping shall be provided based on the following requirements for building foundations, paved areas, street frontages, and yard areas (summarized in Figure 195.79A and illustrated in Figure 195.79B). These requirements are additive to each other and any other landscaping or screening requirements in this article, specifically bufferyard requirements (see § 195-80).

Figure 195.79A: Landscaping Requirements for Regular Development

Landscaping Component					
		Building Foundation	Paved Areas	Street Frontages	Yard Areas
Type of Landscaping		Tall trees not allowed	A minimum of 30% of points devoted to tall trees and 40% to shrubs	Shrubs not allowed; a minimum of 50% of points devoted to tall trees and 30% to medium trees	Any type allowed
Placement of Landscaping		Within 10 feet of building foundation	Within paved area or within 10 feet of paved area	Within 10 feet of the public right of way	Any location
Calculation of Landscaping Points		Points per 100 linear feet of building foundation	Points per 20 parking spaces	Points per 100 feet of street frontage	Points per 1,000 square feet of gross floor area
Zoning Districts:	Conservancy (C)*	20	20	20	10
	Agricultural (A)*	20	20	20	10
	Single-Family Residential (R-1, R-2, R-3)* Two-Family Residential (R-4)*	40	100	100	20
	Zero Lot Line Two-Family Residential (R-6)*	45	100	100	20
	Townhome MF Residential (R-7)*	60	100	100	30
	Multi-Family Residential (R-5)*	75	100	100	20
	Neighborhood Commercial (B-3)*	40	100	100	20
	General Business (B-2)*	40	80	60	15
	Downtown Business (B-1)*	0	80	0	0
	Light Industrial (LI)	25	75	50	15
	Manufacturing (M)	20	50	25	10

Note: Single-family, two-family, and all agricultural land uses are exempt from landscaping requirements.

A. Building foundations.

(1) For every 100 linear feet of building foundation, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 195.78.[16]

(2) Building foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation.

(3) Tall trees shall not be used to meet building foundation landscaping requirements.

B. Paved areas.

16. **Editor's Note: See § 195-78, Landscaping points.**

(1) For every 20 off-street parking stalls, landscaping shall at a minimum meet the number of landscaping points specified in Figure 195.78.

(2) Paved area landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the paved area. Said area does not have to be provided in one contiguous area.

(3) Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.

(4) A minimum of 30% of all points shall be devoted to medium or tall trees, or a combination of such trees, and a minimum of 40% of all points shall be devoted to shrubs.

C. Street frontages.

(1) For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 195.78.

(2) Street frontage landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the public street right-of-way.

(3) Shrubs shall not be used to meet street frontage landscaping requirements. A minimum of 50% of all points shall be devoted to decorative or medium trees, or a combination of such trees.

D. Yard areas.

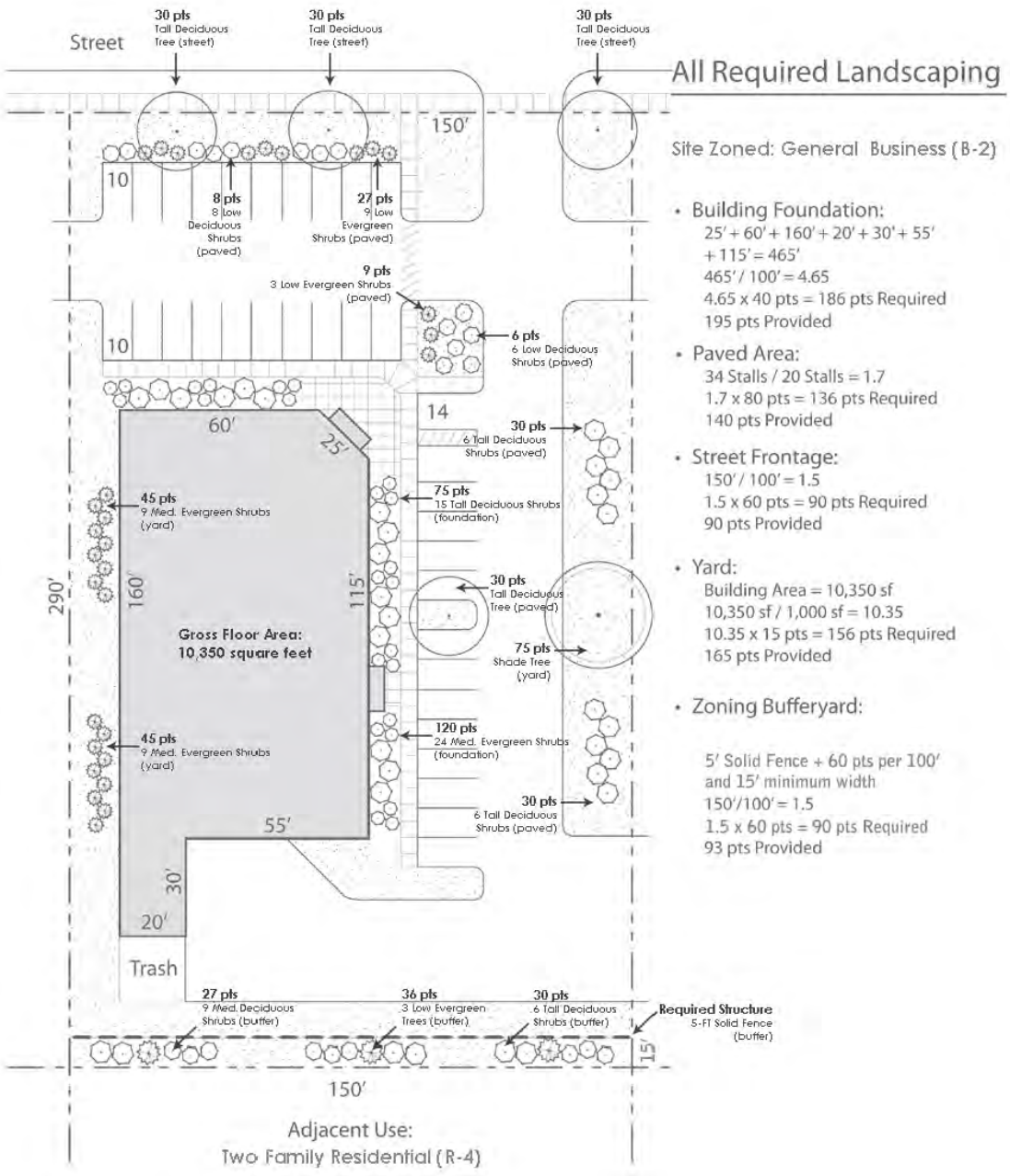
(1) For every 1,000 square feet of gross floor area, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 195.78.

(2) The intent of this section is to provide yard shade and to require a visual screen of a minimum of six feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).

(3) Landscaping required by this section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, or reforestation areas.

(4) Up to 50% of the landscaping required by this section may be placed in the bufferyard to enhance the physical barrier between incompatible uses.

Figure 195.79B: Sample Landscaping Scheme — All Required Landscaping, including bufferyards (see Section 195.80)



§ 195-80. Bufferyards.

A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and/or fencing that are required to eliminate or reduce existing or potential nuisances (e.g., dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas), between adjacent land uses.

A. The required level of bufferyard opacity is listed in Figure 195-80A. Opacity is a quantitatively derived measure which indicates the degree to which a particular

bufferyard screens the abutting property. The required level of opacity indicated is directly related to the degree to which the potential character of development differs between different zoning districts.

Figure 195.80A: Required bufferyard opacity values

Apply the required opacity value from this Figure to Figure 195-80B and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.		C	A	R-1	R-2	R-3	R-4	R-6	R-7	R-5	B-3	B-2	B-1	LI	M
Subject Property Zoning District:	Conservation (C)	0	0												
	Agriculture (A)	0	0												
	New Single Family Residential-1 (R-1)	0	0	0											
	New Single Family Residential-2 (R-2)	0	0	0	0										
	Single-Family Mixed Residential (R-3)	0	0	0	0	0									
	Two-Family Residential (R-4)	0	0	0	0	0	0								
	Zero Lot Line Two-Family Res. (R-6)	0	0	0	0	0	0	0							
	Townhome MF Residential (R-7)	0	0	0.2	0.2	0.2	0.2	0.1	0						
	Multi-Family Residential (R-5)	0	0	0.3	0.3	0.3	0.3	0.2	0.1	0					
	Neighborhood Commercial (B-3)*	0	0	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0				
	General Business (B-2)*	0	0	0.4	0.4	0.4	0.4	0.4	0.3	0.3	0.2	0			
	Downtown Business (B-1)*	0	0	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0		
	Light Industrial (LI)	0	0	0.4	0.4	0.4	0.4	0.4	0.3	0.3	0.2	0.1	0.1	0	
	Manufacturing (M)	0	0	0.5	0.5	0.5	0.5	0.4	0.3	0.3	0.3	0.3	0.3	0.1	0

B. Bufferyards shall meet the minimum landscaping points defined in Figure 195.80B. Opacity levels (Figure 195.80A) are met by either installing the required minimum landscaping points with no buffering structure (no fence or berm), or installing a buffering structure (per minimum requirements in Figure 195.80B) at the identified reduced landscaping point requirement. See Figure 195-79B for an example of landscaping plan meeting all landscaping requirements.[17]

(1) Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards.

(2) Bufferyards are not required where additions to existing buildings or paved areas are not visible from adjacent properties eligible for buffering.

(a) For structures and parking additions parallel to or extending closer to an abutting property eligible for buffering, landscaping points shall be based on the linear frontage of the addition visible from abutting properties measured parallel along the property line.

(3) Bufferyard fencing shall be placed within the required or provided bufferyard along the perimeter of the abutting properties eligible for buffering.

17. **Editor's Note: See § 195-79, Landscaping distribution requirements, excluding bufferyards.**

(4) The visual screening for bufferyards, without a structural solid fence and required opacity of 0.4 or greater, shall have at least 50% of the required landscaping points be a combination of coniferous species, either shrubs or trees.

(5) Bufferyards shall meet the minimum width identified in Figure 195-80B, and shall be outside the identified paved area and building foundation planting zones per § 195-79A and B.

(a) Where the minimum permitted width for the required bufferyard is not available under the current state of development, the SPAR Board may reduce the width required for the bufferyard to that currently available on the site.

Figure 195.80B: Detailed Bufferyard Requirements

Opacity	Minimum Bufferyard Width (feet)	Minimum Landscaping Points per 100 Linear Feet	Minimum Required Structure
0.10	5	0	4 FT Solid Fence
		40	---
0.20	10	0	4 FT Solid Fence
		80	---
0.30	10	30	5 FT Solid Fence
		120	---
0.40	15	60	5FT Solid Fence -OR- 4 FT Berm
		160	---
0.50	15	90	6 FT Solid Fence -OR- 5 FT Berm
		200	---

Side Note: Figure above is a chart to help calculate the minimum bufferyard requirements. First locate the appropriate opacity value in the left column that was established by intersecting the subject property and the abutting property zoning district in Figure 195.80(A). The next column is the minimum bufferyard width measured perpendicular from the property line. The third column is the minimum required landscape points per 100 lineal feet of abutting property eligible for buffering. The fourth column indicates whether or not a structure is required as part of the bufferyard.

§ 195-81. Rain gardens and bioswales.

Rain gardens and bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited.

A. Definitions. As used in this section, the following terms have the meanings indicated:

RAIN GARDEN — A shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture

extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well-designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.

BIOSWALE — A linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

B. Requirements.

(1) The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the Village's landscaping point requirements per § 195-78C.

(2) Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials (e.g., rocks) that will be used to line the rain garden or bioswale.

(3) Installation shall not be proposed for any of the following areas of a site:

(a) Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an underdrain;

(b) Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or

(c) Areas where there are expected to be high levels of foot traffic.

(4) The owner of the site shall demonstrate that the rain garden or bioswale will be properly maintained; kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale shall be inspected on an annual basis and kept free of debris; and, by the beginning of every spring, dead plant materials shall be cut back or removed.

(5) Bioswales and rain gardens shall be generously (and appropriately) vegetated to qualify for landscaping points. Bioswales and rain gardens (or portions thereof) that are lined with turf and/or rocks but do not include other vegetation will not count toward meeting landscaping point requirements.

(6) Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications are submitted. Detailed plans shall include the location and description of all

other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

§ 195-82. Installation and maintenance.

A. Installation. Any and all landscaping and bufferyard material required by the provisions of this article shall be installed on the subject property in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.

B. Surety.

(1) If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an instrument agreeing to install the landscaping within the three-hundred-sixty-five-day period and shall furnish to the Village an irrevocable letter of credit or performance bond sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time that the agreement is signed. It shall be in an amount equal to 110% of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property owner and shall be verified by the Village. The financial security shall remain in force until all of the work has been completed and approved by the Village. Upon completion of the work and approval by the Village, the security shall be reduced to 10% of the original amount. The reduced security shall be held by the Village for 14 months following approval by the Village in order to provide a warranty for the work. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of the article and subject the property owner to any remedies available to the Village, including having the Village complete the work and withhold funds from the security to reimburse the Village for the work performed.

(2) If the required landscaping and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the landscaping and bufferyard work performed during a particular phase, unless the land division regulations requires otherwise.

(3) If the property owner is a governmental unit, it may, in lieu of signing an agreement and furnishing a guarantee, file a resolution or letter from officers authorized to act on its behalf, agreeing to comply with the provisions of this article.

C. All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

D. The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the Village for its approval. Such plant and structure location shall be the decision of each property owner, provided the following requirements are met:

(1) Evergreen shrubs shall be planted in clusters to maximize their chance for survival.

(2) Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.

(3) A property owner may establish through a written agreement, recorded with the Register of Deeds, that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property.

(4) Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.

(5) The restrictions on types of plants listed in this article shall apply.

E. Maintenance. The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this article and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this article shall constitute an agreement by the property owner to comply with the provisions of this section. If the property owner fails to comply with these provisions, the Village may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this article, and shall be subject to any and all applicable enforcement procedures and penalties.

§ 195-83. Appeals.

Any person aggrieved by any decisions of the SPAR Board concerning this article may appeal the decision to the Village's Zoning Board of Appeals. Such appeal shall be filed with the Clerk within 30 days after filing of the decision with the Clerk.

§ 195-84. Violations and penalties.

Any person who violates any provision of this article shall be required to forfeit not less than $50 nor more than $500, plus costs, for each violation. Each consecutive day in which the violation has not been remedied shall be considered as a new violation subject to further penalty, up to a maximum of $5,000.

§ 195-85. Findings and modifications.

A. The SPAR Board shall not approve any application unless it finds that the purposes and regulations set forth in this article have been reasonably met. In certain situations, the SPAR Board may allow modifications or grant exceptions to these standards set forth in this article on the basis of compelling landscape architecture merit, or where the strict application or adherence to established standards may be impractical or impossible due to site conditions or other circumstances beyond the control of the applicant.

B. The SPAR Board may, on a case-by-case basis, require more stringent regulations than the regulations listed within this article when deemed necessary by the Village to meet the purpose of this article and the purpose and intent of the Village's Zoning Code.

C. The Zoning Officer may allow modifications to the approved landscaping plan during installation where the strict application or adherence to approved landscaping plan may be impractical or impossible due to site conditions (e.g., unknown utility infrastructure) or other circumstances beyond the control of the applicant.

§ 195-86. Prohibited plant species.

The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease.

A. Prohibited species are listed in Figure 195.86 (below), and shall not be included as part of any landscaping plan. Protecting and retaining these prohibited plant species are exempt from receiving double points per § 195-78C.[18]

18. Editor's Note: See § 195-78, Landscaping points.

Figure 195.86: Prohibited Species

Classification	Common Name	Scientific Name	Reason
Shade Tree	Non-resistant elms	*Ulmus spp.*	Dutch Elm Disease
Shade Tree	Boxelder	*Acer negundo*	Spread quickly
Shade Tree	Freeman Maple	*Acer x freemanii*	Over-planted
Shade Tree	Norway Maples	*Acer platanoides*	Over-planted, dense
Shade Tree	Silver Maple	*Acer saccharinum*	Weak wood and aggressive root systems
Tall Deciduous Tree	Ash trees	*Fraxinus spp.*	Emerald Ash Borer
Tall Deciduous Tree	Cottonwood	*Populus deltoids, populus fremontii, or populus nigra*	Weak wood and aggressive root systems
Tall Deciduous Tree	Willow	*Salix*	Drops branches
Medium Deciduous Tree	Ailanthus, Tree of Heaven	*Ailanthus altissima*	Invasive non-native
Medium Deciduous Tree	White mulberry	*Morus alba*	Invasive non-native
Tall Deciduous Shrub	Buckthorns	*Rhamnus*	Invasive non-native
Tall Deciduous Shrub	Autumn-olive	*Elaeagnus umbellata*	Invasive non-native
Tall Deciduous Shrub	Multiflora rose	*Rosa multiflora*	Invasive non-native
Medium Deciduous Shrub	Japanese spirea	*Spiraea japonica*	Invasive (reseed)
Medium Deciduous Shrub	Burning bush	*Euonymus alatus*	Invasive non-native
Medium Deciduous Shrub	Honeysuckle	*Lonicera spp.*	Invasive non-native
Low Deciduous Shrub	Japanese Barberry	*Berberis thunbergii*	Invasive; over- planted

§ 195-87. Permitted plant species.

Species suitable for landscaping and compatible with local climate and soil factors are listed in Figures 195.87A through 195.87M.[19] However, this list is not intended to be exhaustive, and the Zoning Administrator shall review proposals for the applicability of species not listed, and is authorized to approve appropriate similar species and assign landscaping points to said similar species.

NOTE: The following sources were used in compiling Figures 195.87A through 195.87M of plant species:

Department of Natural Resources. Forest Trees of Wisconsin: How to Know Them. Madison, Wisconsin: Department of Natural Resources, 1987.

Hasselkus, E.R. A Guide to Selecting Landscape Plants for Wisconsin. Madison, Wisconsin: College of Agricultural and Life Sciences University of Wisconsin - Extension, Cooperative Extension Programs, 1982.

Hightshoe, Gary L. Native Trees, Shrubs, and Vines for Urban and Rural America: A Planting Design Manual for Environmental Designers. New York: Van Nostrand Reinhold, 1988.

Iowa State University. Landscape Plants for Iowa. Ames, Iowa: Iowa State University Cooperative Extension Service, May 1984.

19. Editor's Note: Figures 195.87A through 195.87M are included as attachments to this chapter.

ARTICLE XVIII

Murals

[Added 9-12-2019 by Ord. No. 5-2019]

§ 195-88. Rules and regulations.

A. No person, nor business, nor entity of any kind, shall create or erect a mural in the Village of Holmen in conflict with this article. For the purposes of this article, a "mural" shall be defined as a painting or other work of art executed directly on a wall (typically of a building), or any other surface, viewable to the public in any manner. Proposed murals shall be regulated as follows:

B. No mural may be erected on any building or surface or in any manner:

(1) In areas considered architecturally sensitive, such as the South Holmen Drive Corridor Area, the Seven Bridges Area, or any area that may be classified as architecturally sensitive in the future; and

(2) In areas that hold historic significance, such as, but not limited to, historic districts, or on buildings that hold historic architectural character or hold historic value to the community; and

(3) In any residential zoning district in the Village of Holmen; and

(4) That may be considered distracting or in any manner inappropriate or vulgar to the community at large, to protected classes or to motorists; and

(5) Containing any form of signage, copy-written material(s) or written message(s); and

(6) That does not, at a minimum, resonate images of some form of architectural or historic significance to the Holmen Community, such as the community's landscape, culture, evolution or overall identity; and

(7) That is not accompanied with a comprehensive plan for mitigating any impacts to the proposed immediate area, and a financial plan to ensure long-term maintenance and upkeep of the mural itself; and

(8) Without full written consent of the owner of the property where the mural is proposed, who shall be responsible for the long-term maintenance of the mural, subject to penalties and removal of the mural for failure to maintain the mural in good standing; and

(9) Without a conditional use permit, requiring a public hearing before the Village of Holmen Planning Commission, following a class two notice and notification to all property owners within 150 feet of the proposed mural location; and

(10) Without review and approval from the Village of Holmen Site Plan and Architectural Review (SPAR) Board pending the outcome of the public hearing and consideration of the above provisions.

C. Preexisting murals (murals created before 2012) shall be grandfathered and are permitted to be maintained in full. Failure of any owner to maintain a preexisting mural

shall be grounds for loss of the mural's grandfathered status, and subject to penalties and removal of the mural. Any modification or addition to any preexisting mural must abide by the provisions of this article.

§ 195-89. Violations and penalties.

Any person who violates Article XVIII shall, upon conviction thereof, be forced to remove any permitted or unpermitted mural, and forfeit not less than $500 nor more than $1,000, plus court costs.

195 Attachment 1

Village of Holmen

Figure 195.87A
Common Shade Tree Species (75 points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Shade Trees (75 Points)				
**Acer saccharum* RF	Sugar Maple	S	Round	Rich soil; salt-sensitive; oval when young; yellow, orange or scarlet fall color.
"Green Mountain"				Scorch-resistant; leathery leaves.
**Carya ovata* RF	Shagbark Hickory			Native and very adaptable, salt-sensitive, fruit-nut, lawn tree.
Ginkgo bilboa	Ginkgo	S	Pyramidal	Very urban, dioecious, females produce smelly fruits, golden yellow fall color.
"Fastigiata"	Sentry Ginkgo		Columnar	Seedless.
Juglans nigra RF	Walnut Eastern Walnut Black Walnut	F		Best in public open spaces or lawns; not to be used as a street tree; poisonous to other plants within the drip zone; susceptible to caterpillars and leaf-spot disease.
**Quercus alba* RF	White Oak	S	Round	Extremely sensitive to soil compaction; tolerant of urban conditions; dry soil; subject to iron chlorosis; red fall color; very difficult to transplant; excellent lawn or shade tree.
**Quercus bicolor* RF	Swamp White Oak	S	Round	Very tolerant of urban conditions; moist to wet, intolerant of alkaline soil; tolerates poor drainage; difficult to transplant; yellow fall color.
**Quercus macrocarpa* RF	Bur Oak Mossycup Oak	S	Round	Sensitive to soil compaction; tolerant of urban conditions; dry to wet soil; no fall color; very difficult to transplant.
**Quercus palustris*	Pin Oak	M	Pyramidal	Sensitive to soil compaction; tolerant of urban conditions; moist, acid soil; pendulous lower branches; red fall color; iron chlorosis on alkaline soil; lawn tree; cultivar "Sovereign" best for streets.
**Quercus rubra* RF	Northern Red Oak Red Oak	M	Round	Sensitive to soil compaction; tolerant of urban conditions; pyramidal when young; red fall color; well-drained soil; fast-growing for oaks; excellent lawn, shade, and street tree.
(Quercus Borealis)				

KEY: *Wisconsin native S=Slow M=Medium F=Fast

195 Attachment 2

Village of Holmen

Figure 195.87B
Common Tall Deciduous Tree Species (30 Points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Tall Deciduous Trees (30 Points)				
Acer nigrum	Black Maple	M	Oval	Does well in poor, dry soils; red to bright gold fall color; excellent for lawn, shade, or street.
Acer platanoides	Norway Maple	M	Round	Shallow root system; not to be used along streets.
**Acer rubrum* RF	Red Maple Scarlet Maple Swamp Maple		Round	Moist, acid soil; tolerates poor drainage; smooth gray bark; yellow, orange, or red fall color; salt-sensitive.
**Acer saccharinum* RF	Silver Maple Soft Maple White Maple River Maple	F	Vase	Heart and fast-growing; most soil; tolerates poor drainage; fine-textured; weak-wooded (develops heart rots after fifty years, limbs may fall); yellowish or no fall color
Aesculus hippocas tanum	Horsechestnut	M	Round	Urban; course; showy, white May flowers; litter problem; no fall color; difficult to transplant; pest or disease problems may limit use.
Alnus glutinosa	European Alder Black Alder	F	Oval	Rich or wet soils; produces catkins; possible winterkill.
Betula lutea RF	Yellow Birch	M	Round	Drooping branches; moist well-drained soils; yellow-orange bark; rusty yellow fall color.

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Tall Deciduous Trees (30 Points)				
Catalpa speciosa	Northern Catalpa	F	Oval	Poor, dry soil; showy, white June flowers; coarse; litter problem; no fall color.
**Celtis occidentalis* RF	Common Hackberry	M	Vase	Tolerates alkaline soils; "pebbled" bark; yellowish fall color; pest or disease problem may limit use.
**Fagus grandifolia* RF	American Beech	S	Oval	Moist, rich soil; smooth, gray bark; yellow- bronze fall color; difficult to transplant; salt-sensitive; sensitive to soil compaction.
Fagus sylvatica	European Beech	S	Round	Moist, rich soil; less difficult to transplant than American Beech; several cultivars available; excellent lawn tree.
**Gleditsia triancanthos inermius*			Vase	Tolerates poor drainage; thornless, as are all of the following; pest or disease problem may limit use; salt-tolerant; yellow fall color.
**Gymnocladus dioica*	Kentucky Coffeetree	M	Upright	Moist, rich soil; coarse and rugged; dioecious; yellowish fall color.
Juglans cinerea RF	Butternut	S		Needs good soil and consistent moisture; fairly good shade tree; susceptible to butternut decline.
Larix decidua			Pyramidal	Full sun; graceful, fine-textured; transplant in spring before buds open; yellow fall color.
Larix kaempferi	Japanese Larch	F	Wide-Pyramidal	Similar to European Larch, more picturesque.
Larix laricina RF	American Larch Tamarack	M	Narrow-Pyramidal	Hardy; drought tolerant; used in shelterbelts.
Liriodendron tulipifera	Tuliptree	F	Upright	Rich, moist soil; unique leaves and interesting June flowers; yellow fall color; purchase from northern source.
**Platanus occidentalis*	Sycamore American Planetree	F	Pryamidal	Moist soil; tolerates poor drainage; mottled bark; coarse, maple-like leaves; no fall color; pest or disease problem may limit use.
Populus alba	White Poplar	F	Fastigate	Moist soil; tolerates poor drainage; mottled bark; coarse, maple-like leaves; no fall color; pest or disease problem may limit use.
Populus deltoides RF	Eastern Poplar		Fastigiate	Hardy, fast growing; golden yellow fall color; tolerates drought; brittle; may produce "cotton"; too large for homes.
Populus grandidentata RF	Bigtooth Aspen	F	Narrow	Moist, sandy, gravelly soils; not shade tolerant; yellow fall color.
**Prunus serotina* RF	Black Cherry	M	Oval	Dry soil; white flowers and black fruits in drooping racemes; orange fall color; pest or disease problem may limit use.
Taxodium distichum	Baldcypress	F	Pyramidal	Moist, intolerant of alkaline soil; tolerates poor drainage; sun; bronze fall color; fine texture.
**Tilia americana* RF		M	Round	Sensitive to soil compaction; salt-sensitive; coarse; rich soils.
Tilia cordata	Littleleaf Linden	S	Pyramidal	Urban; moist soil; fragrant flowers; poor branch structure, needs training while young; yellow fall color.
Tilia x euchlora	Redmond Linden	M	Pyramidal	Urban; dark green foliage.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

195 Attachment 3

Village of Holmen

Figure 195.87C
Common Medium Deciduous Tree Species (15 Points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Medium Deciduous Trees (15 Points)				
Aesculus x carnea "Briotii"	Ruby Horsechestnut	S	Round	Rich, most soil; red flowers.
Aesculus glabra	Ohio Buckeye	S	Round	Rich, moist soil; yellow-green flowers; orange fall color.
Alnus glutinosa	European Alder	F	Oval	Wet; tolerates poor drainage; catkins; cone fruits; no fall color.
**Betula nigra* RF	River Birch	M	Vase	Wet to dry, intolerant of alkaline soils; tolerates poor drainage; pinkish, peeling bark.
**Betula papyifera* RF	Paper Birch	M	Oval	Cool, moist soil; white, peeling bark; golden yellow fall color; pest or disease problem.
Betula pendula "Gracilis"	Cutleaf European Birch	M	Weeping	Cool, moist soil; dissected leaves; yellow fall color; pests & disease.
Betula platyphylla japonica	Japanese White Birch	M	Pyramidal	White bark; some resistance to bronze birch borer.
Cercidiphyllum japonicum	Katsuratree	M	Columnar	Moist soil; dioecious; form controlled by pruning, wide spreading if multi-trunked; yellow to red fall color.
Cladrastis lutea	American Yellowwood	S	Round	Moist, rich soil; smooth, light gray bark; fragrant, white June flowers in large clusters; yellow fall color.
Magnolia acuminata	Cucumbertree	F	Pyramidal	Inconspicuous, greenish flowers; pink to red fruits; coarse foliage; no fall color.
**Nyssa sylvatica*	Black Gum	S	Pyramidal	Moist soil; tolerates poor drainage; dense habit; dioecious; orange to scarlet fall color; difficult to transplant.
Phellodendron amurense	Amur Corktree	M	Round	Urban; dry soil; dioecious; compound leaves; corky bark; yellow fall color.
Prunus maackii	Amur Chokecherry	M	Round	Amber exfoliating bark; does well in containers.
Prunus padus commutata	Harbinger European Bird Cherry	S	Round	Sun; early to leaf out in spring; pest or disease problem.
**Prunus pennsylvanica* RF	Pin Cherry	M	Upright	Poor, dry soil; sun; graceful; shortlived; suckering; red fruits; orange to red fall color.
Prunus sargentii	Sargent Cherry	M	Upright	Sun, well-drained soil; early, pink flowers; red fall color.
Salix alba tristis	Golden Weeping Willow	F	Weeping	Wet soil; tolerates poor drainage; bright yellow twigs; fine-textured; litter problem.
Ulmus parvifolia	Chinese Elm	M	Vase	Disease resistant; exfoliating bark.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

195 Attachment 4

Village of Holmen

Figure 195.87D
Common Low Deciduous Tree Species (10 Points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Low Deciduous Trees (10 Points)				
Acer ginnala	Amur Maple	M	Round	Sun, shade; red fruit; red fall color.
**Alnus rugosa*	Speckled Alder	F	Round	Wet soil; tolerates poor soil; lenticeled bark.
**Amelanchier arborea* RF	Downy Serviceberry	S	Upright	Dry soil; shade; gray bark; white flowers; yellow to red fall color; edible fruits.
Amelanchier x grandiflora	Apple Serviceberry	S	Spreading	Semi-shade; large, white flowers, edible fruits.
**Amelanchier laevis*	Allegany Serviceberry	S	Upright	Moist soil; shade; white flowers; orange to red fall color, edible fruits.
**Carpinus caroliniana* RF	American Hornbeam	S	Spreading	Moist soil; shade; smooth, gray muscle-like trunks; orange fall color.

Cercis canadensis	Eastern Redbud	M	Spreading	Sun or shade; purplish-pink flowers; yellow fall color; purchase form northern source.
**Cornus alternifolia*	Pagoda Dogwood	M	Spreading	Cool, moist soil; shade; blue-black berries on red stalks; early, maroon fall color.
**Crataegus crus-galli*	Thornless Cockspur Hawthorn		Spreading	Urban; sun; persistent, brick red fruits; orange to red fall color; no thorns.
Crataegus laevigata	Paul's Scarlet Hawthorn			Heavy soil; sun; double, scarlet flowers in late May; no fall color; pest or disease problem.
Crataegus x lavallei	Lavalle Hawthorn	S	Upright	Urban; sun; glossy foliage; bronzy-red fall color.
**Crataegus mollis*	Downy Hawthorn	S	Upright	Sun; large, red, early-ripening fruit; yellow fall color; pest or disease problem.
Crataegus phaenopyrum	Washington Hawthorn	M	Upright	Urban; sun; latest blooming; small, persistent, orange-red fruits in clusters; orange fall color.
**Crataegus punctata*	Dotted Hawthorn	S	Spreading	Moist, heavy soil; sun; picturesque; pest or disease problem may limit use.
Crataegus x "Toba"	Toba Hawthorn	S		Sun; double, pink, fragrant flowers; glossy leaves; red fruits; dwarf-15.
Elaeagnus angustifolia	Russianolive	F	Round	Dry, alkaline soil; sun; fragrant, inconspicuous flowers; silver-gray foliage; no fall color; pest or disease problem may limit use.
Magnolia x loebneri	Dr. Merrill Magnolia	M	Pyramidal	Rich soil; sun; white, many-petaled flowers; difficult to transplant.
Magnolia x soulangiana	Saucer Magnolia	S	Round	Rich soil; sun; large pink flowers; difficult to transplant.
Malus species & cultivars	Flowering Crabapples			All require sun and well drained soil. They all possess a high degree of resistance to the apple scab disease.
Malus baccata jackii	Jack Flowering Crabtree	M	Upright spreading	Slightly susceptible to fire blight; white flowers; tiny 1/3-1/2"diam., dark red fruits.
Malus "Bob White"	Bob White Flowering Crabtree	M	Rounded	Moderately susceptible to fire blight; white flowers; 5/8" diam., persistent, yellow fruits.
Malus "Candied Apple"	Weeping Candied Apple Flowering Crabtree		Weeping	Slightly susceptible to scab; pink flowers; 5/8" diam., persistent cherry-red fruits; foliage tinged with red.
Malus "Centurian"	Centurian Flowering Crabtree		Narrow-Upright	Disease resistant; rose-red flowers; 5/8" diam., persistent, cherry-red fruits.
Malus "David"	David Flowering Crabapple	M	Rounded	Slightly susceptible to fire blight and scab; white glowers; 1/4-1 1/2" diam., reddish fruits for in alternate years.
Malus "Dolgo"	Dolgo Flowering Crabtree	M	Upright-Spreading	Slightly susceptible to fire blight and scab; white flowers; 1 1/4-1 1/2" diam., persistent red fruits.
Malus "Donald Wyman"	Donald Wyman Flowering Crabtree	M	Rounded	Disease-resistant; white flowers; 3/8" diam.; persistent red fruits.
Malus "Dorothea"	Dorothea Flowering Crabtree	S	Horizontal	Moderately susceptible to scab; clear pink semi-double flowers; 1/2" diam., yellow fruits.
Malus "Gibb's Golden Gage"	Gibb's Golden Gage Flowering Crabtree		Rounded	Disease resistant; white flowers; 1" diam., persistent, yellow fruits.

Malus "Indian Summer"	Indian Summer Flowering Crabtree		Rounded	Disease resistant; rose-red flowers; 5/8-3/4" diam., red fruits.
Malus "Mary Potter"	Mary Potter Flowering Crabtree	S	Horizontal	Moderately susceptible to fire blight and scab; white flowers; 1/2" diam., red fruits; 10' height.
Malus "Ormiston Roy"	Ormiston Roy Flowering Crabtree	M	Rounded	Slightly susceptible to fire blight; white flowers, 3/8" diam., persistent, yellow fruits.
Malus "Profusion"	Profusion Flowering Crabtree	M	Rounded-Spreading	Slightly susceptible to fire blight; rose-red flowers; 1/2" diam., deep red fruits; bronze- green foliage.
Malus "Red Jewel"	Red Jewel Flowering Crabtree		Horizontal	Moderately susceptible to scab; white flowers; 1/2" diam., persistent, bright red fruits.
Malus "Robinson"	Robinson Flowering Crabtree		Upright-Spreading	Disease resistant; rose-red flowers; 3/8" diam, persistent, bright red fruits, bronze- green foliage.
Malus "Sentinel"	Sentinel Flowering Crabtree		Narrow-upright	Slightly susceptible to fire blight and scab; pale pink flowers; 1/2" diam., persistent, bright red fruits.
Malus "White Cascade"	White Cascade Flowering Crabtree	S	Weeping	Disease resistant; white flowers, 1/2" diam., yellowish fruits.
**Ostrya virginiana* RF	Hophornbeam	S	Pyramidal	Dry soil; shade; catkins; elm-like leaves; yellow fall color.
**Prunus americana* RF	American Plum	F	Horizontal	Dry soil; sun; suckering habit; white flowers; yellow to orange fall color.
Prunus cerasifera	Newport Plum	M	Round	Sun; reddish-purple summer foliage.
**Prunus virginiana* RF	Chokecherry			Dry, infertile soil; suckering habit; white flowers; yellow to orange fall color.
"Canada Red" or "Shubert"	Shubert Chokecherry	M	Upright	Sun; foliage changes from green to purple in early summer.
Pyrus calleryana and cultivars	Callery Pear	M	Oval	Sun; early, white flowers; late red fall color.
Saliz matsudana	Corkscrew or Contorted Willow	F	Upright	Wet soil; tolerates poor drainage; sun; twisted branches; pest or disease problem may limit use.
Saliz pentandra	Laurel Willow	M	Round	Wet soil; sun; foliage glossy, dark green; dense habit.
Sorbus alnifolia	Korean Mountainash	S	Oval	Cool soil; simple leaves; small flowers and fruits; orange to red fall color; pest or disease problem.
Sorbus aucuparia and cultivars	European Mountainash	M	Oval	Cool soil; orange fruits; pest or disease problem
**Sorbus decora*	Showy Mountainash	S	Upright	Cool Soil; large, reddish fruits; pest or disease problem.
Syringa reticulata	Japanese Tree Lilac	S	Horizontal	Sun; large, pyramidal, cream-white flower clusters in June; tan fruits.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

195 Attachment 5

Village of Holmen

Figure 195.87E
Common Tall Evergreen Tree Species (40 Points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Tall Evergreen Trees (40 Points)				
Abies concolor	White Fur	M	70'	Dry soil; heat; gray-green foliage.
Picea abies	Norway Spruce	F	75'	Deep soil; dark green foliage; long cones; pendulous branchlets
**Picea glauca* RF	White Spruce	M	50'	Moist soil; sun; light green needles.
Picea omorika	Serbian Spruce	S	50'	Sun; narrow habit; pendulous branchlets.
Picea pungens glauca	Blue Colorado Spruce	S	60'	Sun; urban; blue needles; stiff, formal habit.
Pinus cembra	Swiss Stone Pine	S	50'	Sun; narrow habit.
Pinus nigra	Austrian pine	M	50'	Sun; urban; stout, dark green needles, pest or disease problem.
**Pinus resinosa* RF	Red Pine	F	50'	Dry soil; sun; reddish bark; yellow-green winter color.
**Pinus strobus* RF	Eastern White Pine	M	75'	Moist soil; sun; picturesque; soft, green foliage, pest or disease problem.
Pinus sylvestris	Scots Pine	F	50'	Dry soil; sun; orange bark; bluish needles.
Pseudotsuga menziesii	Douglas Fir	M	70'	Half-shade; flat, dark green needles.
* *Tsuga Canadensis* RF	Canada Hemlock	M	75'	Moist soil; soft, feathery foliage.

KEY: *Wisconsin native S=Slow M=Medium F=Fast

195 Attachment 6

Village of Holmen

Figure 195.87F
Common Medium Evergreen Tree Species (20 Points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Medium Evergreen Trees (20 Points)				
**Thuja occidentalis* RF	American Arborvitae	M	40'	Wet soil; half-shade; light green, soft, scale- like foliage.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

195 Attachment 7

Village of Holmen

Figure 195.87G
Common Low Evergreen Tree Species (12 Points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Low Evergreen Trees (10 Points)				
Juniperus chinnensis	Keteleer Juniper	S	20'	Dry soil; sun; green foliage; large fruits.
	Mountbatten Juniper	S	20'	Dry soil; sun; narrow, columnar form; large fruits.
* *Juniperus virginiana* RF	Eastern Red Cedar	S	20'	Dry soil; sun; brownish winter color.
"Burkii"	Burke Eastern Red Cedar			Fine-textured, gray-green foliage.
"Canaertii"	Canaert Eastern Red Cedar			Dark green, tufted foliage.
"Glauca"	Silver Eastern Red Cedar			Silver-gray foliage; informal habit.
"Hillii"	Hill Dundee Eastern Red Cedar			Gray-green foliage turns purple in winter, no fruits.
**Picea glauca* RF	Black Hills Spruce	S	20'	Dry soil; sun; narrow, dense habit.
Taxus cuspidata	Japanese Yew	S	20'	Shade; urban, deep green needles; often sold as *Taxus cuspidata* "Capitata"
**Thuja occidentalis* RF	Pyramidal Arborvitae	M	25'	Narrow columnar form.
	Techny Arborvitae	S	20'	Deep green foliage, year round.

KEY: *Wisconsin native S=Slow M=Medium F=Fast

195 Attachment 8

Village of Holmen

Figure 195.87H
Common Tall Deciduous Shrub Species (5 Points)

Botanical Name	Common Name	Form	Adaptation and Remarks
Tall Deciduous Shrubs (5 Points)			
**Amelanchier sp.* (See also low trees)	Serviceberry	Upright	Shade; alkaline soil; white flowers; edible purple fruits; smooth, gray bark; yellow to orange fall color; fireblight a problem.
Caragana arborescens	Siberian Peashrub	Erect, Oval	Dry, alkaline soils; yellow flowers; green twig.
Chionanthus virginicus	Fringetree	Spreading	Moist soil; shade; white flowers; blue fruits; coarse.
**Cornus alternifolia*	Pagoda Dogwood	Spreading	Moist soil; shade; white flowers; blue fruits; horizontal branches; early, maroon fall color.
Cornus mas	Corneliancherry Dogwood	Oval	Shade; urban; yellow flowers in April; flower buds may be injured or killed during some winters; edible red fruits.
**Cornus racemosa*	Gray Dogwood	Erect	Dry or wet soils; shade; white flowers; white fruits; purple fall color.
Cornus sericea	Redosier Dogwood	Spreading	Wet, moist soils; tolerates poor drainage; white flowers; white fruits; red twigs; often sold a *C. stolonifera*.
Cornus sericea baileyi	Bailey Redosier Dogwood	Erect	
Cotoneaster multiflora	Manyflowered Cotoneaster	Mounded	Sun; well-drained soil; white flowers; red fruits; very wide-spreading; pests/diseases.
Elaeagnus umbellata	Autumnolive	Spreading	Poor, dry soil; sun; fragrant flowers; edible, red fruits; twiggy.
Euonymus alata	Winged Euonymus	Spreading	Sun or shade; well-drained soil; corky, winged twigs; pink to rose fall color.
**Euonymus atropurpurea*	Eastern Wahoo	Tree-like	Moist soil; shade; tiny, purplish flowers; orange to purple fall color.
Euonymus europaea	Spindletree of European Euonymus	Tree-like	Dry-soil; urban; striped bark; persistent pink fruit; orange to purple fall color.
"Aldenhamensis"	Aldenham European Euonymus		Bright pink fruit; shrubby form
"Redcap"	Redcap European Euonymus		Bright red fruit.
Exochorda racemosa	Pearlbush	Leggy	Sun; pearl-like flower buds; tan fruit capsules.
**Hamamelis virginiana*	Common Witchhazel	Spreading	Shade; yellow October flowers.
Hydrangea paniculata "Grandiflora"	Peegee Hydrangea	Upright	Moist soil; white to pink flowers in August; persistent, tan flower clusters.
Kolkwitzia amabilis	Beautybush	Upright	Alkaline soil; sun; pink flowers in June; shredded bark; leggy.

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Ligustrum amurense	Amur Privet	Erect	Dry soil; white flowers; black fruits; hedge plant
Ligustrum vulgare "Cheyenne"	Cheyenne Privet	Erect	Dry soil; urban; white flowers; black fruits; hedge plant.
Lonicera x bella "Candida"	White Belle Honeysuckle	Upright Mounded	Dry soil; white flowers; red fruits; may become weedy, pest problem.
Lonicera tatarica zabelii	Zabel Honeysuckle	Rounded	Dry soil; urban; red flowers; dense, red fruits; may become weedy, pest or disease problem, may be sold as *L. korolkowii zabelii* .
Magnolia stellata	Star Magnolia	Rounded	Rich soil; white flowers; orange fruits; finest textured magnolia.
**Physocarpus opulifolius*	Eastern Ninebark	Vase	Dry soil; semi-shade; white flowers; red, capsular fruit; shredded bark; course.
Prunus tomentosa	Manchu Cherry	Rounded	Dry soil; sun; white flowers; edible, red fruits.
Prunus triloba	Double Flowering Plum	Rounded	Sun; double, pink flowers; no fruit.
Rhamnus frangula "Columnaris"	Tallhedge Glossy Buckthorn	Columnar	Moist soil; shade; red to black fruits; holds leaves late.
**Rhus glabra*	Smooth Sumac	Suckering	Dry soil; sun; persistent red fruits; smooth stems; scarlet fall color.
Rhus typhina	Staghorn Sumac	Suckering	Dry soil; sun; persistent red fruits; felty stems; orange to red fall color.
Rhus typhina "Dissecta"	Shredleaf Staghorn Sumac	Picturesque	Dry soil; sun; red fruits; dissected leaves, orange to red in fall.
Salix caprea	Goat Willow or French Pussy Willow	Oval	Wet or dry soil; sun; large silver catkins in early spring.
Shepherdia argentea	Buffaloberry	Irregular	Dry soil; sun; yellowish flowers; dioecious; edible red fruits; silvery foliage.
**Staphylea trifolia*	American Bladdernut	Upright	Moist soil; shade; whitish flowers; green to brown, bladder-like fruits; white-striped bark.
Syringa x chinensis	Chinese Lilac	Vase	Dry, alkaline soil; purple-lilac flowers; fine texture.
Syringa x hyacinthiflora cvs.	Hyacinth Lilacs	Upright	Sun; white, pink, lilac, purple flowers; early blooming.
Syringa x prestoniae cvs.	Preston Lilacs	Rounded	Sun; pink to purple flowers; late-blooming; coarse textured.
Syringa reticulata	Japanese Tree Lilac	Tree-like	Sun; white flowers in June; tan fruits; cherry-like bark; often sold as *S. amurensis japonica* .
Syringa vulgaris cvs	Common Lilac	Upright	Well-drained soil; sun; white, pink, lilac, purple, fragrant flowers; pest or disease problem may limit use.
Tamarix ramosissima	Tamarisk	Irregular	Dry soil; sun; tiny, pink flowers; very fine texture; often sold as *T. pentandra* .
Viburnum dentatum	Arrowwood Viburnum	Vase	Moist soil; shade; white flowers in June; blue fruits; maroon fall color.
Viburnum lantana	Wayfaringtree Viburnum	Upright	Dry soil; shade; white flowers; red to black fruits; late maroon fall color.
**Viburnum lentago*	Nannyberry Viburnum	Upright	Moist or dry soil; sun or shade; white flowers; black fruits; leggy; maroon fall color; pest or disease problem.
**Viburnum prunifolium*	Blackhaw Viburnum	Spreading	Dry soil; shade; white flowers; black fruits; single or multi-trunked; maroon fall color.
Viburnum sieboldii	Siebold Vibernum	Tree-like	Rich soil; white flowers; red to black fruits; large, coarse leaves.
Vibernum trilobum	American Cranberrybush Vibernum	Upright	Moist soil; shade; lacy, white flowers; persistent, edible fruits.
KEY: *Wisconsin native			

195 Attachment 9

Village of Holmen

Figure 195.87I
Common Medium Deciduous Shrub Species (3 Points)

Botanical Name	Common Name	Form	Adaptation and Remarks
Medium Deciduous Shrubs (3 Points)			
Aronia arbutifolia	Red Chokeberry	Erect	Wet soil; shade; tolerates poor drainage; white flowers; red fruits; red fall color.
Cornus alba "Argenteomarginata"	Creamedge Dogwood	Mounded	Moist soil; white flowers; white fruit; variegated foliage.
**Corylus americana*	American Filbert or Hazelnut	Rounded	Dry soil; shade; catkins in March; orange fall color.
Cotoneaster divaricatus	Spreading Cotoneaster	Mounded	Dry alkaline soil; red fruits; fine texture; late maroon fall color; not fully hardy in zone indicated—needs a special site or ideal conditions.
Cotoneaster lucidus	Hedge Cotoneaster	Upright	Dry soil; shade; black fruits; orange to maroon fall color; good hedge plant; *C. acutifolius* is similar.
Euonymus alatus "Compacta"	Dwarf Winged Euonymus	Spreading	Sun or shade; pink and orange fruits; red fall color.
Forsynthia x intermedia cvs.	Border Forsythia	Vase	Sun; urban; large, pale to yellow flowers; flower buds may be injured or killed at temperatures lower than -14° F.
Forsythia ovata	Early Forsythia	Mounded	Sun; urban; smaller, earlier, yellow flowers; flower buds may be injured or killed at temperatures lower than -25° F.
Forsythia suspensa	Weeping Forsythia	Mounded	Sun; urban; yellow flowers; slender, drooping twigs; flower buds may be injured or killed at temperatures lower than -15° F.
**Ilex verticillata*	Winterberry	Upright	Wet, acid soil; tolerates poor drainage; dioecious; red fruits.
Ligustrum obtusifolium regelianum	Regel's Border Privet	Spreading	Dry soil; shade; white flowers; blue-black fruits; late, purple fall color.
Malus sargentii "Tina"	Sargent Crabapple	Spreading	Disease resistant; 5' mature height.
Myrica pensylvanica	Bayberry	Upright	Dry soil; sun; gray, fragrant fruits; dioecious; semi- evergreen; suckering.
Philadelphus x virginalis "Glacier"	Glacier Mockorange	Rounded	Sun; double, white, fragrant flowers.
Prunus x cistena	Purple-leaved Sand Cherry	Rounded	Dry soil; sun; white flowers; purple foliage all season.
Rhodotypos scandens	Jetbead	Spreading	Dry soil; shade; white flowers; sparse red fruits; fine texture.
Rosa hugonis	Father Hugo Rose	Vase	Poor soil; sun; yellow flowers; sparse red fruits; fine texture.
Rosa rugosa cvs.	Rugosa Rose	Rounded	Dry soil; sun; white, yellow, pink, or red flowers; large edible red fruits; fall color; wrinkled leaves; tolerant of salt.
**Rosa setigera*	Prairie Rose	Sprawling-mounded	Sun; pink flowers in July; red fruits; orange fall color; can be used as a climber.
Spiraea prunifolia	Bridalwreath Spirea	Upright	Sun; double, white flowers; orange to red fall color.
Spiraea thunbergii	Thunberg Spirea	Vase	Sun; white flowers; yellow to orange fall color; fine-textured.
Spiraea x vanhouttei	Vanhoutte Spirea	Vase	Sun; white flowers; arching branches.
Syringa meyeri "Palibin"	Palibin Lilac	Rounded	Sun; purple flowers; dense; fine-textured; good informal hedge plant often sold as *S. palibiniana* .
Viburnum carlesii	Koreanspice Viburnum	Rounded	Shade; urban; pink to white, fragrant flowers; blue- black fruits; red fall color.
**Viburnum cassinoides*	Witherod Viburnum	Rounded	Wet, acid soil; tolerates poor drainage; white flowers; pink to red to blue fruits; red fall color.
Weigela florida	Old-fashioned Weigela	Spreading	Well-drained soil; pink, funnel-shaped flowers.
Weigela x 'Vanicekii'	Vanicek Weigela	Spreading	Well-drained soil; red flowers.
KEY: *Wisconsin native			

195 Attachment 10

Village of Holmen

Figure 195.87J
Common Low Deciduous Shrub Species (1 Points)

Botanical Name	Common Name	Form	Adaptation and Remarks
Small Deciduous Shrubs (1 Points)			
Acanthopanax sieboldianus	Fiveleaf Aralia	Upright	Dry soil; shade; urban; leaves palmately compound; thorny.
**Amelanchier stolonifera*	Running Serviceberry	Suckering	Dry soil; shade; white flowers; edible fruits; orange fall color.
**Aronia melanocarpa*	Black Chokeberry	Suckering	Wet soil; shade; white flowers; black fruits; red fall color.
Berberis thunbergii	Japanese Barberry	Mounded	Dry soil; shade; red fruits; orange fall color; thorns; good hedge plant.
"Atropurpurea"	Redleaf Japanese Barberry		Sun; red summer foliage.
"Crimson Pygmy"	Crimson Japanese Barberry	Low-mound	Sun; red summer foliage; 2' tall.
Buxus microphylla koreana	Korean Littleaf Box	Rounded	Shade; broadleaf evergreen; good hedge plant.
Chaenomeles japonica alpina	Dwarf Japanese Floweringquince	Spreading	Dry soil; urban; orange flowers; yellow, edible fruits; dense; 1' tall; flower buds may be injured or killed during some winters.
Cotoneaster apiculatus	Cranberry Cotoneaster	Mounded	Dry soil; red fruits; red fall color.
Deutzia x lemoinei	Compact Lemoine	Rounded	Well-drained soil; white flowers.
"Compacta"	*Deutzia*		
**Diervilla lonicera*	Dwarf Bushhoneysuckle	Mounded	Dry soil; shade; yellow flowers; good bank cover.
Forsythia viridissima "Bronxensis"	Bronx Forsythia	Low-mound	Sun; small yellow flowers; fine texture; purple fall color.
Hydrangea arborescens	Annabelle Hydrangea	Mounded	Moist soil; shade; white, clustered flowers; dense; blooms on new wood.
	Snowhill Hydrangea	Mounded	Smaller flower clusters and less dense than
**Hypericum kalmianum*	Kalm's St. Johnswort	Rounded	Dry soil; sun; yellow flowers; shiny brown twigs.
Lonicera x xylosteoides "Clavey's Dwarf"	Clavey's Dwarf Honeysuckle	Rounded	Dense growth; good hedge or screening plant.
Lonicera xylosteum "Nanum"	Emerald Mound Honeysuckle	Mounded	Lower growing than preceding; 2'-3'.
Mahonia aquifolium "Mayhan"	Mayhan Oregongrape	Suckering	Shade; urban; yellow flowers; blue fruits; holly- like evergreen foliage; not fully hardy in zone - need special site or ideal conditions.
Philadelphus coronarius "Aureus"	Golden Mockorange	Rounded	Sun; white flowers; yellow summer foliage.
Philadelphus x lemoinei "Mont Blanc"	Mont Blanc Mockorange	Mounded	Sun; single; white, fragrant flowers; dense.
Physocarpus opulifolius "Nanus"	Dwarf Common Ninebark	Rounded	Dry soil; shade; creamy-white flowers; red capsular fruits; shredded bark.
**Potentilla fruticosa cvs.*	Bush Cinquefoil	Mounded	Dry soil; sun; yellow and white flowers; blooms all summer.
Prunus glandulosa "Sinensis"	Pink Dwarf Floweringalmond	Rounded	Sun; light soil; double, pink flowers; no fruits; narrow leaves.
Rhododendron x kosteranum	Mollis Hybrid Azaleas	Spreading	Moist, acid soil; pink flowers; red fall color.
Rhododendron x "PJM Hybrid"	PJM Hybrid Rhododendron	Rounded	Moist, acid soil; shade; lavender flowers; evergreen leaves turn purple in autumn.
**Rhus aromatica*	Fragrant Sumac		Dry soil; sun; red fruits; fragrant foliage; turns orange-maroon in fall.
"Gro-Low"	Gro-low Fragrant Sumac	Mounded	Uniform 2 1/2' height; glossy leaves.

Ribes alpinum	Alpine Currant	Rounded	Shade; urban; good hedge plant.
Rosa virginiana	Virginia Rose	Suckering	Dry soil; pink flowers; red fruits; red stems; good bank cover.
Salix repens argentea	Silver Creeping Willow	Spreading	Moist soil; sun; silvery foliage.
Spiraea x arguta "Compacta"	Compact Garland Spirea	Mounded	Sun; white flowers; fine texture.
Spiraea x billiardii	Billiard Spirea	Upright	Sun; pink flowers, in July and August.
Spiraea x bumalda "Anthony Waterer"	Anthony Waterer Spirea	Rounded	Dry soil; sun; raspberry red flowers; unattractive fruits.
Spiraea x bumalda "Froebelii"	Froebel Spirea	Rounded	Dry soil; sun; raspberry red flowers; orange to maroon fall color.
Spiraea japonica alpina	Daphne Spirea	Low-mound	Sun; pale pink flowers in July; 10" height.
Spiraea nipponica "Snowmound"	Snowmound Spirea	Mounded	Sun; white flowers; blue-green foliage; possible disease problem.
Symphoricarpos rivularis	Snowberry	Vase	Dry soil; shade; tiny pink flowers; showy white fruits; often sold as *S. albus laevigatus* .
Symphoricarpos orbiculatus	Indiancurrant Coralberry	Suckering	Dry soil; shade; pink fruits; good bank cover.
Viburnum opulus "Compactum"	Compact European Cranberrybush Viburnum	Rounded	Shade; white flowers; persistent, red fruit; dense habit.
Viburnum opulus "Nanum"	Dwarf European Cranberrybush Viburnum	Globe	Shade; no flowers or fruits; twiggy.
KEY: *Wisconsin native			

195 Attachment 11

Village of Holmen

Figure 195.87K
Common Medium Evergreen Shrub Species (5 Points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Medium Evergreen Shrubs (5 Points)				
Juniperus chinensis				
"Ames"	Ames Juniper	9'	Pyramid	Sun; bluish green foliage.
"Blaauw"	Blaauw Juniper	4'	Upright, bushy	Sun; grayish blue foliage.
"Herzii"	Herz Blue Juniper	15'	Spreading	Sun; silvery blue foliage.
"Maney"	Maney Juniper	6'	Upright, bushy	Sun; bluish green foliage.
"Old Gold"	Old Gold Juniper	4'	Spreading	Sun; green with gold tips.
"Pfitzerana"	Pfitzer Juniper	6'	Wide-spreading	Sun; green foliage; no fruits.
"Pfitzerana Glauca"	Blue Pfitzer Juniper	5'	Spreading	Sun; blue-gray foliage.
**Juniperus communis depressa*	Oldfield Common Juniper	4'	Spreading	Dry soil; sun; light green; brownish in winter.
Juniperus sabina "Von Ehren"	Von Ehren Savin Juniper	4'	Spreading	Dry soil; sun; light green; brownish in winter.
Juniperus squamata "Meyeri"	Meyer Singleseed Juniper	5'	Picturesque	Sun; blue foliage.
Picea glauca "Conica" RF	Dwarf Alberta Spruce	7'	Pyramidal	Shelter from winter sun; light green foliage.
Pinus mugo	Mugo Pine	4'	Mounded	Dry soil; sun; green foliage.
Taxus cuspidata "Expansa"	Spreading Japanese Yew	6'	Spreading	Shade; urban; dark green foliage; needs ideal conditions.
Taxus cuspidata "Nana"	Dwarf Japanese Yew	4'	Mounded	Shade; urban very dark green foliage; needs ideal conditions.
Taxus x hunnewelliana	Hunnewell Yew	6'	Spreading	Shade; green
Taxus x media cvs.	Anglojapanese Yew	1-10'	Upright	Shade; very dark green; needs ideal conditions.
Thuja occidentalis RF	Ware American Arborvitae	8'	Broad Pyramid	Wet soil; half-shade; dark green foliage. Often sold as *T.o.* "Wareana"
	Woodward Globe American Arborvitae	6'	Globe	Wet soil; half-shade; bright green.
KEY: *Wisconsin native				

195 Attachment 12

Village of Holmen

Figure 195.87L
Common Low Evergreen Shrub Species (3 Points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
Low Evergreen Shrubs (3 Points)				
Juniperus chinensis procumbens	Japanese Garden Juniper	2'	Creeping	Sun; blue-green, year-round foliage.
Juniperus chinensis sargentii	Sargent Juniper	1'	Creeping	Sun; green; or blue-green in cv. "Glauca"
**Juniperus horizontalis*	Creeping Juniper	1'	Creeping	Dry soil; sun; variable color-brown in winter.
"Bar Harbor"	Bar Harbor Juniper	8"	Creeping	Dry soil; sun; bluish green foliage; salty in winter.
"Douglasii"	Waukegan Juniper	18"	Creeping	Dry soil; sun; steel blue; purplish in winter.
"Plumosa"	Andorra Juniper	18"	Radial-creeping	Dry soil; sun; gray-green; purplish in winter.
"Prince of Wales"	Prince of Wales Juniper	4-6"	Prostrate	Dry soil; sun; bright green; bronzed in winter.
"Wiltonii"	Blue Rug Juniper	4-6"	Flat-trailing	Dry soil; sun; silvery blue.
"Youngstown"	Youngstown Juniper	18"	Radial-creeping	Dry soil; sun; gray-green; purplish in winter.
Juniperus sabina				
"Arcadia"	Arcadia Savin Juniper	18"	Low-spreading	Sun; green.
"Broadmoor"	Broadmoor Savin Juniper	2'	Mounded	Sun; soft grayish green; fine textured.
"Skandia"	Skandia Savin Juniper	12"	Low-spreading	Sun; grayish blue.
"Tamariscifolia"	Tamarix Savin Juniper	2'	Dense, spreading	Sun; bluish green; pest or disease problem.
KEY: *Wisconsin native				

195 Attachment 13

Village of Holmen

Figure 195.87M
Common Non-Contributing Species (0 Points)

Botanical Name	Common Name	Adaptation and Remarks
Non-Contributing Species (0 Points)		
	Crown Vetch	Invasive ground cover; aggressive.
Crataegus crus-galli	Cockspur Hawthorn	Urban; sun; persistent, brick red fruits; orange to red fall color; evil thorns.
* *Gleditsia triacanthos* RF	Common Honeylocust	Urban; tolerates poor drainage; salt tolerant; dioecious, females produce pods; fine- textured foliage; wicked thorns; yellow fall color; pest or disease problems may limit use.
Lonicera x bella	Belle Honeysuckle	Dry soil, white flowers; red fruits; *may become weedy*, pest problem.
Lonicera tatarica	Tatarian Honeysuckle	Dry soil; urban, pink to white flowers; dense, red fruits; *may become weedy*, pest or disease problem.
Lonicera morrowi	Morrow Honeysuckle	Urban, dense, white flowers, pest and disease problem, *weedy*.
	Purple Loosestrife	Perennial, common marsh plant, may choke out native plants.

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Village of Holmen adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Village Clerk. The last legislation reviewed for the original publication of the Code was Ord. No. 9.19, adopted 2-10-2000. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the Village Clerk.

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§ DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
1.00	10-12-2000	Adoption of Code	Ch. 1, Art. I
2.00	11-9-2000	Brush, grass and weeds amendment	Ch. 25
1.01	2-8-2001	Water amendment	Superseded by Ord. No. 3.08
2.01	6-14-2001	Administration of government amendment	Ch. 5
3.01	8-9-2001	Board of Review amendment	Ch. 144
1.02	1-10-2002	Open burning amendment	Ch. 33
2.02	5-9-2002	Zoning amendment	Ch. 195
3.02	6-13-2002	Smoke-free restaurants	Ch. 153
4.02	6-13-2002	Telecommunications structures and towers	Ch. 166
5.02	8-6-2002	Vehicles and traffic: school bus warning lights	Ch. 180, Art. VI
6.02	9-12-2002	Zoning amendment	Ch. 195
1.03	3-13-2003	Snow and ice removal amendment	Ch. 159, Art. III
2.03	5-8-2003	Vehicles and traffic: parking amendment	Ch. 180, Art. V
3.03	6-12-2003	Zoning amendment	Ch. 195
4.03	6-12-2003	Board of Review amendment	Ch. 144
5.03	8-14-2003	Wellhead protection amendment	Superseded by Ord. No. 3.08
6.03	10-9-2003	Land division amendment	Ch. 90

Ord. No.	Adoption Date	Subject	Disposition
7.03	11-13-2003	Zoning amendment	Ch. 195
8.03	11-13-2003	Joint Municipal Court	Ch. 108
9.03	12-11-2003	Zoning amendment	Ch. 195
1.04	12-11-2003	Wellhead protection amendment	Superseded by Ord. No. 3.08
2.04	4-23-2004	Motorized scooters	Ch. 180, Art. VII
3.04	7-8-2004	Water: rates, rules and practices amendment	Superseded by Ord. No. 3.08
4.04	11-23-2004	Comprehensive Plan	Ch. 47
5.04	10-14-2004	Zoning amendment	Ch. 195
6.04	9-9-2004	Purchasing	Ch. 136
7.04	10-14-2004	Land division amendment	Ch. 90
8.04	11-23-2004	Zoning amendment	Ch. 195
9.04	1-13-2005	Land division amendment	Ch. 90
1.05	2-10-2005	Floodplain zoning	Ch. 71
2.05	4-14-2005	Moratorium	NCM
3.05	6-9-2005	Land division amendment	Ch. 90
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5.05	10-13-2005	Hotel and motel room tax amendment	Ch. 164, Art. I
6.05	10-13-2005	Amusement devices amendment	Ch. 10
7.05	10-13-2005	Land division amendment	Ch. 90
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1.06	2-9-2006	Zoning amendment	Ch. 195
2.06	1-12-2006	Vehicles and traffic amendment	Ch. 180
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4.06	8-12-2006	Impact fees	Ch. 76
5.06	5-11-2006	Penalties amendment	Chs. 14, 33, 45, 95, 101, 112, 127 and 180
6.06	7-13-2006	Purchasing	Ch. 136
7.06	7-13-2006	Open burning, land division and zoning amendments	Chs. 33, 90 and 195
8.06	11-9-2006	Land division amendment	Ch. 90
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1.07	2-8-2007	Water: wellhead protection amendment	Ch. 187, Art. III (Exhibit A only)
2.07	4-12-2007	Floodplain zoning amendment	Ch. 71
3.07	6-14-2007	Update Comprehensive Plan	NCM
4.07	5-10-2007	Solid waste: refuse disposal and recycling amendment	Ch. 155, Art. I
5.07	7-12-2007	Land division amendment	Ch. 90
6.07	7-12-2007	Zoning amendment	Ch. 195
7.07	8-9-2007	Zoning amendment	Ch. 195
8.07	11-8-2007	Stormwater Utility	Ch. 157
9.07	12-13-2007	Mobile home parks: adoption of Uniform Building Code; mobile homes and mobile home condominiums	Ch. 105, Arts. II and III
10.07	12-13-2007	Zoning amendment	Ch. 195
1.08	5-8-2008	Floodplain zoning amendment	Ch. 71
2.08	2-14-2008	Land division amendment	Ch. 90
3.08	6-12-2008	Water	Ch. 187
4.08	8-14-2008	Parks and recreation	Ch. 121
5.08	11-13-2008	Vehicles and traffic: neighborhood electric vehicles	Ch. 180, Art. IX
6.08	10-29-2008	Zoning amendment	Ch. 195
7.08	1-15-2009	Water amendment	Ch. 187
1.09	8-13-2009	Administration of government amendment	Ch. 5
2.09	1-14-2010	Brush, grass and weeds amendment	Ch. 25
1.10	5-13-2010	Mobile home parks: monthly parking fees amendment	Ch. 105, Art. I
2.10	8-12-2010	Zoning amendment	Ch. 195
1.11	3-10-2011	Annexation	NCM
2.11	4-14-2011	Vehicles and traffic: restricted vehicles	Ch. 180, Art. X
3.11	8-11-2011	Zoning amendment	Ch. 195
4.11	8-11-2011	Land division amendment	Ch. 90
	11-10-2011	Firearms and weapons repealer	Ch. 63, reference only
5.11	12-8-2011	Floodplain zoning amendment	Ch. 71
1-2012			Not adopted
2-2012	2-9-2012	Administration of government amendment	Ch. 5
3-2012	9-13-2012	Zoning amendment	Ch. 195
4-2012	5-10-2012	Zoning amendment	Ch. 195

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5-2012	5-10-2012	Zoning amendment	Ch. 195
6-2012	5-10-2012	Comprehensive Plan amendment	NCM
7-2012	6-19-2012	Intoxicating liquor and fermented malt beverages: closing hours for retailers amendment; operator's license amendment	Ch. 78, Arts. I and II
8-2012	9-13-2012	Annexation	NCM
9-2012	12-13-2012	Zoning amendment	Ch. 195
1-2013	1-10-2013	Water amendment	Ch. 187
2-2013	1-10-2013	Zoning amendment	Ch. 195
3-2013	2-14-2013	Zoning amendment	Ch. 195
4-2013	3-14-2013	Annexation	NCM
5-2013	5-9-2013	Zoning amendment	Ch. 195
6-2013	9-12-2013	Animals amendment	Ch. 14
1-2014	2-13-2014	Water amendment	Ch. 187
1-2015	2-12-2015	Illicit discharges and connections	Ch. 57
2-2015	4-9-2015	Pawnbrokers and secondhand dealers amendment	Ch. 123
3-2015	8-17-2015	Annexation	NCM
4-2015	9-10-2015	Annexation	NCM
5-2015			Not adopted
6-2015	11-12-2015	Taxation: Room Tax Commission	Ch. 164, Art. II
1-2016	3-10-2016	Land division amendment	Ch. 90
2-2016	3-10-2016	Comprehensive plan	NCM
3-2016	3-10-2016	Annexation	NCM
4-2016	3-10-2016	Annexation	NCM
5-2016	4-14-2016	Social hosting	Ch. 154
6-2016	5-12-2016	Annexation	NCM
7-2016	6-9-2016	Firearms, bow and arrows, and other missiles	Ch. 63
8-2016	6-9-2016	Annexation	NCM
9-2016	7-14-2016	Zoning amendment	Ch. 195
10-2016	12-8-2016	Impact fees amendment	Ch. 76
1-2017		Annexation	NCM
2-2017	7-13-2017		NCM
3-2017		Annexation	NCM
4-2017		Annexation	NCM
5-2017	12-14-2017	Zoning amendment	Ch. 195
1-2018	8-9-2018	Territory Annexation	NCM

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1-2019	3-14-2019	Minors: Sexting	Ch.101, Art. III

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3-2019	4-11-2019	Annexation	NCM	24
4-2019	6-13-2019	Annexation	NCM	24
5-2019	9-12-2019	Zoning Amendment	Ch. 195	24
6-2019	9-12-2019	Municipal Court, Joint Amendment	Ch. 108	24
7-2019	10-10-2019	Water Amendment	Ch. 187	24
8-2019	11-14-2019	Vehicles and Traffic: Parking Amendment	Ch. 180, Art. V	24
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4-2020	8-13-2020	Annexation	NCM	25
5-2020	9-10-2020	Intoxicating Liquor and Fermented Malt Beverages: Operator's License Amendment; Purchasing Amendment; Zoning Amendment	Ch. 78, Art. II; Ch. 136; Ch. 195	25
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5-2021	7-9-2021	Intoxicating Liquor and Fermented Malt Beverages: Reserve Class B Liquor Licenses Amendment; Zoning Amendment	Ch. 78, Art. IV; Ch. 195	26

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5-2022	11-10-2022	Trees: Street Trees Amendment	Ch. 172, Art. II	27
6-2022	11-10-2022	Zoning Amendment	Ch. 195	27
1-2024			Not Adopted	
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DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

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