TOWN OF RICHMOND
WALWORTH COUNTY, WISCONSIN

MUNICIPAL CODE

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Table of Contents

TITLE 1 GENERAL 11

CHAPTER 1.01 GENERAL PROVISIONS 11
1.01.010 HOW CODE DESIGNATED AND CITED. 11
1.01.020 DEFINITIONS AND RULES OF CONSTRUCTION. 11
1.01.030 CATCHLINES OF SECTIONS – HISTORY NOTES – REFERENCES – EDITOR'S NOTES. 14
1.01.040 PROVISIONS DEEMED CONTINUATION OF EXISTING ORDINANCES. 14
1.01.050 CERTAIN ORDINANCES NOT AFFECTED BY CODE. 14
1.01.060 EFFECT OF REPEAL OF ORDINANCES. 15
1.01.070 CODE DOES NOT AFFECT PRIOR OFFENSES OR RIGHTS. 15
1.01.080 VIOLATION – PENALTY. 15
1.01.090 AMENDMENTS TO CODE – EFFECT OF NEW ORDINANCES – AMENDATORY LANGUAGE. 15
1.01.100 SUPPLEMENTATION OF CODE. 16
1.01.110 SEVERABILITY. 16
1.01.120 RESPONSIBILITY FOR ACTS – AIDING AND ABETTING. 17
CHAPTER 1 DATUM PLANE 18
1.10.010 TOWN DATUM. 18

TITLE 2 ADMINISTRATION 19

CHAPTER 2 ADMINISTRATION AND PERSONNEL 19
SECTION 2.10 TOWN BOARD 20
2.10.010 AUTHORITY TO MANAGE AND DIRECT TOWN. 20
2.10.020 CONFIRMATION OF STATUTORY AUTHORITY. 20
2.10.030 MEMBERSHIP OF TOWN BOARD – COMPENSATION – EXPENSE REIMBURSEMENT. 20
2.10.040 QUORUM. 20
2.10.050 NOTICE OF MEETINGS OF THE TOWN. 20
2.10.060 OPEN MEETINGS. 21

2.10.070 General statutory authority, powers and duties of town board. 21
2.10.080 Regular meetings. 21
2.10.090 Special meetings. 21
2.10.100 Adjourned meetings. 22
2.10.110 Robert's Rules of Order, Newly Revised. 22
Chapter 2.20 COMMITTEES 22
2.20.010 Standing committees. 22
2.20.020 Appointment of committee members. 25
Chapter 2.30 WEED COMMISSIONER 27
2.30.010 Appointment. 27
Chapter 2.40 SUPERINTENDENT OF HIGHWAYS 27
2.40.010 Appointment – Termination. 27
2.40.020 Compensation. 27
Chapter 2.50 ORDINANCE TO APPOINT ALTERNATE MEMBERS TO THE BOARD OF REVIEW 28
2.50.010 Appointment of alternate members to the Board of Review. 28
Chapter 2.60 OFFICER AND EMPLOYEE REGULATIONS 29
2.60.010 Appointment of special offices. 29
2.60.020 Authority for oath and bond. 29
2.60.030 Oath. 29
Chapter 2.70 CIVIL EMERGENCIES 31
2.70.010 Joint action emergency plan. 31
2.70.020 Coordinator of emergency government. 31
Chapter 2.75 RECORDS RETENTION 32
2.75.10 Title and Purpose. 32
2.75.20 Authority 32
2.75.30 Adoption of Wisconsin Municipal Records Schedule 32
2.75.40 Notification to Wisconsin State Historical Society 32
2.75.50 Conflict 32
2.75.60 Revocation of Preceding Ordinance 32
2.75.70 Effective Date 32

TITLE 3 CHARGES FOR TOWN SERVICES 33

Chapter 3.05 CHARGES FOR COST OF TOWN CONTRACT PROFESSIONALS AND TOWN STAFF SERVICES 33
3.05.010 Charges authorized. 33

TITLE 5 BUSINESS LICENSES AND REGULATIONS 35

Chapter 5.05 ALCOHOLIC BEVERAGES 35
5.05.010 Authority. 35
5.05.020 Qualifications for operators' licenses. 35
5.05.030 Qualifications for retail licenses for individual applicants. 35
5.05.040 License fees – Duration. 36
5.05.050 Town clerk's duties. 36
5.05.060 Compliance with county and town ordinances. 36

CHAPTER 5.10 ADULT-ORIENTED ESTABLISHMENTS **37**
5.10.010 DEFINITIONS. 37
5.10.020 LICENSE REQUIREMENTS. 38
5.10.030 APPLICATION FOR LICENSE. 38
5.10.040 STANDARDS FOR ISSUANCE OF LICENSE. 39
5.10.050 FEES. 40
5.10.060 DISPLAY OF LICENSE OR PERMIT. 40
5.10.070 RENEWAL OF LICENSE OR PERMIT. 40
5.10.080 REVOCATION OF LICENSE. 40
5.10.090 PHYSICAL LAYOUT OF ADULT-ORIENTED ESTABLISHMENT. 41
5.10.100 REGULATIONS. 41
5.10.110 RESPONSIBILITIES OF THE OPERATOR. 41
5.10.120 ADMINISTRATIVE PROCEDURE AND REVIEW. 42
5.10.130 EXCLUSIONS. 42
5.10.140 SEVERABILITY. 42
5.10.150 VIOLATION – PENALTY. 42
5.10.160 ENFORCEMENT. 43

TITLE 8 HEALTH AND SAFETY **44**

CHAPTER 8.10 FIRE PREVENTION AND PROTECTION **45**
8.10.010 FIRE PROTECTION CONTRACT AUTHORIZED. 45
8.10.020 NOTICE TO AGENCY OF TIME, PLACE OF PLANNED BURNING. 45
8.10.030 POSTING OF NOTICES DURING FIRE HAZARD EMERGENCY. 45
8.10.040 COSTS OF FIRE SERVICES. 45
CHAPTER 8.20 RECOVER COSTS **46**
8.20.010 PURPOSES. 46
8.20.020 DEFINITIONS. 46
8.20.030 JURISDICTION. 47
8.20.040 IMPOSITION OF CHARGES. 47
8.20.050 SERVICE RATES. 47
8.20.060 BILLING PROCEDURES. 47
8.20.070 COLLECTION AND ENFORCEMENT. 47
8.20.080 LIABILITY. 47
8.20.090 EXCEPTIONS. 48
8.20.100 SEVERABILITY. 48
8.20.110 EFFECTIVE DATE. 48
CHAPTER 8.30 BLASTING **49**
8.30.010 PURPOSES. 49
8.30.020 PERMIT REQUIRED. 49
8.30.030 REQUIREMENTS FOR USE OF EXPLOSIVES. 50
8.30.040 INSPECTION OF BLASTING SITE. 50
8.30.050 VIOLATION – PENALTY. 50
CHAPTER 8.40 GARBAGE AND SOLID WASTE **52**
8.40.010 BRUSH COLLECTION POLICY AND SCHEDULE. 52
8.40.020 COLLECTION FEES. 52
8.40.030 BILLING AND PAYMENT. 52

8.40.040 Remedies for failure to make payments. 52
Chapter 8.50 RECYCLING **52**
8.50.010 Purpose. 52
8.50.020 Statutory authority. 52
8.50.030 Abrogation and greater restrictions. 53
8.50.040 Interpretation. 53
8.50.050 Severability. 53
8.50.060 Applicability. 53
8.50.070 Administration. 53
8.50.080 Effective date. 53
8.50.090 Definitions. 53
8.50.100 Separation of recyclable materials. 55
8.50.110 Separation requirements exempted. 56
8.50.120 Care of separated recyclable materials. 56
8.50.130 Management of lead acid batteries, major appliances, waste oil and yard waste. 56
8.50.140 Preparation and collection of recyclable materials. 57
8.50.150 Responsibilities of owners or designated agents of multiple-family dwellings. 58
8.50.160 Responsibilities of owners or designated agents of nonresidential facilities and properties. 58
8.50.170 Establish fees. 59
8.50.190 Promulgation of regulations. 59
8.50.200 Prohibitions on disposal of recyclable materials separated for recycling. 59
8.50.210 Recyclables from outside of the town. 59
8.50.220 Anti-scavenging provision. 59
8.50.240 Enforcement. 59
Chapter 8.60 PUBLIC NUISANCES **61**
8.60.010 Purpose and intent. 61
8.60.020 Abrogation and greater restrictions. 61
8.60.030 Interpretation. 62
8.60.040 Public nuisances prohibited. 62
8.60.050 Definitions. 62
8.60.060 Public nuisances affecting health. 64
8.60.070 Public nuisances affecting peace and safety. 64
8.60.080 Junked and abandoned vehicles. 65
8.60.090 Abatement of public nuisances. 65
8.60.100 Violation – Penalty. 66
8.60.110 Statutory authority. 66
8.60.120 Noxious weeds defined. 66
8.60.130 Destruction of noxious weeds required. 66
8.60.140 Notice of abatement by town – Costs. 67
Chapter 8.70 SOLID FUEL-FIRED OUTDOOR HEATING DEVICES **68**
8.70.010 Purpose and intent. 68
8.70.020 Abrogation and greater restrictions. 68
8.70.030 Interpretation. 68
8.70.040 Severability. 68
8.70.050 Definitions. 68
8.70.060 Regulations for solid fuel-fired outdoor heating devices. 69
8.70.070 Variance. 70

CHAPTER 8.80 CENTER PIVOT MANURE DISTRIBUTION SYSTEMS **71**
8.80.010 PURPOSE AND INTENT. 71
8.80.020 ABROGATION AND GREATER RESTRICTIONS. 71
8.80.030 INTERPRETATION. 71
8.80.040 DEFINITION. 71
8.80.050 LICENSE REQUIRED. 71
8.80.060 APPLICATION. 72
8.80.070 PUBLIC HEARING. 72
8.80.080 STANDARDS AND CONDITIONS. 72
8.80.090 LIEN ON REAL ESTATE. 73
8.80.100 ENFORCEMENT. 73

TITLE 9 PUBLIC PEACE, MORALS AND WELFARE **74**

CHAPTER 9.05 WEAPONS **74**
9.05.010 FIREARMS. 74

TITLE 10 VEHICLES AND TRAFFIC **75**

CHAPTER 10.05 STATE REGULATIONS ADOPTED **75**
10.05.010 ADOPTION OF STATE REGULATIONS. 75
10.05.020 ADOPTION OF STATE BOND SCHEDULE. 78
CHAPTER 10.10 ADMINISTRATION AND ENFORCEMENT **78**
10.10.010 OFFICER'S ACTION AFTER ARREST WITHOUT WARRANT. 78
10.10.020 FORFEITURES. 79
10.10.030 BONDS. 79
CHAPTER 10.15 SPEED LIMITS **79**
10.15.010 SPEED LIMITS. 79
CHAPTER 10.20 SNOWMOBILES **82**
10.20.010 APPLICABILITY AND ENFORCEMENT. 82
10.20.020 STATE SNOWMOBILE LAWS ADOPTED. 82
10.20.030 OPERATION. 84
10.20.040 ADOPTION OF STATE BOND SCHEDULE. 84
10.20.050 VIOLATION – PENALTY. 84
CHAPTER 10.25 ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE ROUTES AND REGULATIONS **84**
10.25.010 PURPOSE. 84
10.25.020 AUTHORITY AND CONDITIONS. 84
10.25.030 ROUTES. 85
10.25.040 OPERATION OF ATVS/UTVS. 85
10.25.050 ENFORCEMENT. 85
10.25.060 PENALTIES. 86
10.25.070 SEVERABILITY. 86

TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES **86**

CHAPTER 12.05 STREET AND SIDEWALK CONSTRUCTION AND ALTERATION **86**
12.05.010 PURPOSE AND INTENT. 87
12.05.020 ABROGATION AND GREATER RESTRICTIONS. 87
12.05.030 INTERPRETATION. 87
12.05.040 SEVERABILITY. 87
12.05.050 DEFINITIONS. 87
12.05.060 APPLICATION. 88
12.05.070 STANDARDS. 88
12.05.080 FINAL INSPECTION. 90
12.05.090 PERFORMANCE BONDS. 90
CHAPTER 12.10 EXCAVATIONS **90**
12.10.010 PERMIT REQUIRED. 91
12.10.020 PERMIT APPLICATIONS. 91
12.10.030 ISSUANCE OF PERMIT. 91
12.10.040 MANNER OF PERFORMING EXCAVATION. 91
12.10.050 RESTORING SURFACE. 91
12.10.060 WARNING DEVICES, CLEANUP, TIMELY COMPLETION OF PROJECT. 91
12.10.070 VIOLATION – PENALTY. 91
CHAPTER 12.15 BUILDING NUMBERING **92**
12.15.010 UNIFORM NUMBERING SYSTEM ADOPTED. 92
12.15.020 ASSIGNMENT OF NUMBERS. 92
12.15.030 INSTALLATION/PLACEMENT. 92
12.15.040 MAINTENANCE. 92
12.15.050 ADMINISTRATION. 92
12.15.060 VIOLATION – PENALTY. 93
12.15.070 EFFECTIVE DATE. 93
CHAPTER 12.20 COMMUNITY PARKS **93**
12.20.010 COMMUNITY PARK DESIGNATED. 93
12.20.020 RULES AND REGULATIONS. 93
12.20.030 VIOLATION – PENALTY. 93
CHAPTER 12.30 DRIVEWAYS AND CULVERTS **94**
12.30.10 TITLE AND PURPOSE 94
12.30.20 PERMIT FOR NEW OR RECONSTRUCTED DRIVEWAYS 94
12.30.30 DRIVEWAY/CULVERT PERMIT 94
12.30.40 NEW DRIVEWAY PERMIT CONDITIONS 95
12.30.50 EXISTING DRIVEWAYS 97
12.30.60 MAINTENANCE AND ENCROACHMENTS 97
12.30.70 HARDSHIP 97
12.30.80 VIOLATION 97
12.30.90 ADDITIONAL RELIEF 97
12.30.100 CULVERT REPLACEMENT 98
12.30.110 CONFLICT 98
12.30.120 EFFECTIVE DATE 98

TITLE 15 BUILDINGS AND CONSTRUCTION **99**

CHAPTER 15.05 GENERAL PROVISIONS **99**

15.05.010 Authority. 99
15.05.020 Purpose. 100
15.05.030 Scope. 100
15.05.040 Wisconsin Uniform Dwelling Code adopted. 100
15.05.045 Wisconsin Camping Unit Building Inspection Code adopted. 100
15.05.050 Building inspector – Generally. 100
15.05.060 Building inspector – Powers. 100
15.05.070 Inspections. 100
15.05.080 Building permit required. 101
15.05.090 Records. 101
15.05.100 Submission of plans. 101
15.05.110 Occupancy permit for new construction. 101
15.05.120 Maintenance of construction site. 101
15.05.130 Fees. 101
15.05.140 Driveway/culvert installation. 101
15.05.150 Demolition, condemnation. 102
15.05.160 Enforcement. 102
15.05.170 Amendments. 102
15.05.180 Building permits. 102
15.05.190 Severability. 103
15.05.200 Violation – Penalty. 103
Chapter 15.15 MOVING BUILDINGS 103
15.15.010 Definitions. 104
15.15.020 Permit required. 104
15.15.030 Permit application – Bond. 104
15.15.040 Interfering structures. 105
15.15.050 Fees. 105
15.15.060 Supervision. 105
15.15.070 Route. 105
15.15.080 Trimming of trees. 105
15.15.090 Small buildings – Exemption. 105
15.15.100 Dilapidated buildings. 105
15.15.110 Additional rules and regulations. 106
15.15.120 Violation – Penalty. 106

TITLE 16 WATERWAYS AND BOATING REGULATIONS 106

Chapter 16.05 GENERAL PROVISIONS 106
16.05.010 State boating and water safety laws adopted. 106
16.05.020 Adoption of state bond schedule. 108
16.05.030 Citation – Nature, issuance, release of accused. 108
16.05.050 Bond. 109
16.05.060 Lake accesses. 110
16.05.070 Boat launching. 111
Chapter 16.10 TURTLE LAKE 111
16.10.010 Repeal of conflicting ordinances. 112
16.10.020 Intent. 112

16.10.030 Applicability and enforcement. 113
16.10.040 Definitions. 113
16.10.050 Capacity plate on boat. 113
16.10.060 Operation of unnumbered boats prohibited. 113
16.10.070 Certificate of number. 113
16.10.080 Certificate number to be displayed on boat – Certificate to be carried. 114
16.10.090 Transfer of ownership of number. 114
16.10.100 Notice of abandonment or destruction of boat or change of address. 114
16.10.110 Classification of motorboats. 114
16.10.120 Lighting equipment. 114
16.10.130 Other equipment. 115
16.10.140 Patrol boats exempt from certain traffic regulations. 115
16.10.150 Traffic rules. 115
16.10.160 Speed restrictions. 116
16.10.170 Accidents and accident reports. 116
16.10.180 Distress signal flags. 117
16.10.190 Prohibited operation. 117
16.10.200 Water skiing. 118
16.10.205 Restriction of Certain Artificial Wake Enhancement. 118
16.10.210 Skindiving. 120
16.10.220 Boats equipped with toilets. 120
16.10.230 Traffic lane defined. 120
16.10.240 Speed restrictions. 120
16.10.250 Swimming regulations. 120
16.10.260 Water skiing regulations. 120
16.10.270 Aircraft prohibited. 121
16.10.280 Littering waters prohibited. 121
16.10.290 Violation – Penalty. 121
Chapter 16.15 WHITEWATER AND RICE LAKES 121
16.15.010 Repeal of conflicting ordinances. 123
16.15.020 Applicability and enforcement. 123
16.15.030 State boating and water safety laws adopted. 123
16.15.040 Forfeitures and deposits. 126
16.15.050 Deposit and bail schedule. 126
16.15.060 Intent. 126
16.15.070 Applicability and enforcement. 126
16.15.080 Traffic lane. 126
16.15.090 Water skiing. 127
16.15.100 Speed restrictions. 128
16.15.110 Swimming regulations. 129
16.15.120 Aircraft prohibited. 129
16.15.130 Mooring of boats. 129
16.15.140 Organized events and displays. 129
16.15.150 Additional traffic rules. 129
16.15.160 Forfeitures. 130
16.15.170 Intent. 130
16.15.180 Citations. 130
16.15.190 Improvements on accesses. 130

16.15.200 General use of accesses. 130
16.15.210 Special uses of accesses. 130
16.15.220 Special use permits. 130
16.15.230 Parking on accesses. 131
16.15.240 Storage of items on lake accesses. 131
16.15.250 Alteration and encroachment of accesses. 131
16.15.260 Intent. 132
16.15.270 Citations. 132
16.15.280 Piers and boat lifts in or to town roadways prohibited. 132
16.15.290 Presumptions. 132
16.15.300 Storage of items on lake accesses. 132
16.15.310 Parking on town roadways contiguous to lakes prohibited. 132
16.15.320 Citation – Nature, issuance, release of accused. 133
16.15.330 Failure of defendant to appear. 133
16.15.340 Bond. 134
Chapter 16.20 LAKE LORRAINE 134
16.20.010 General provisions. 134
16.20.020 Slow-no-wake. 134
16.20.030 Aircraft prohibited. 135
16.20.040 Violation – Penalty. 135

TITLE 17 LAND DIVISION 136

Chapter 17.05 LAND DIVISION 136
17.05.010 Title – Purpose. 136
17.05.020 Authority. 136
17.05.030 Intent. 137
17.05.040 Abrogation and greater restrictions. 137
17.05.050 Interpretation. 137
17.05.060 Disclaimer of liability. 138
17.05.070 Repeal. 138
17.05.080 General provisions. 138
17.05.110 Administrative and other fees. 146
17.05.120 Preliminary plat. 147
17.05.130 Final plat. 150
17.05.140 Certified survey map. 153
17.05.150 Condominium plat and plan. 155
17.05.160 Definitions. 156
17.05.170 Severability. 157

TITLE 18 LAND USE 157

Chapter 18.05 CONSERVATION EASEMENTS 158
18.05.010 Definitions. 158
18.05.020 Role of the plan commission in conservation easements. 158
18.05.030 Acquisition of conservation easements. 159

18.05.040 Alienation of acquired interests. 159
18.05.050 Conflict of interest. 160
18.05.060 Amendment or repeal. 160

Title 1
GENERAL

Chapter 1.01
GENERAL PROVISIONS

Sections:

1.01.010 How code designated and cited.

1.01.020 Definitions and rules of construction.

1.01.030 Catchlines of sections – History notes – References – Editor's notes.

1.01.040 Provisions deemed continuation of existing ordinances.

1.01.050 Certain ordinances not affected by code.

1.01.060 Effect of repeal of ordinances.

1.01.070 Code does not affect prior offenses or rights.

1.01.080 Violation – Penalty.

1.01.090 Amendments to code – Effect of new ordinances – Amendatory language.

1.01.100 Supplementation of code.

1.01.110 Severability.

1.01.120 Responsibility for acts – Aiding and abetting.

1.01.010 How code designated and cited.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Town Code of the Town of Richmond, Wisconsin" and may be so cited. [Code 2002 § 1-1.]

1.01.020 Definitions and rules of construction.

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

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the town board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

And/Or. The term "and" may be read as "or" and the term "or" may be read "and" where the sense requires it.

Code. Whenever the term "code" is used without further qualification, it shall mean the "Town Code of the Town of Richmond, Wisconsin," as designated in RMC 1.01.010.

Computation of Time. The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded. If the last day within which an act is to be done or proceeding had or taken

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

“County” means Walworth County, Wisconsin.

Delegation of Authority. A provision that authorizes or requires a town officer or town employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

“Following” means next after.

Gender. A term importing the masculine gender only shall extend and be applied to females and to firms, partnerships, corporations and limited liability companies and partnerships as well as to males, unless the intention to give a more limited meaning is disclosed by the context.

“Includes” does not limit a term to a specified example.

Joint Authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

“May” is to be construed as being permissive and not mandatory.

“May not” states a prohibition.

“Month” means a calendar month.

Number. A word importing the singular may extend and be applied to the plural as well as to the singular number and vice versa.

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

Officers and Employees. Whenever any officer or employee is referred to by title, such as “town clerk” or “clerk,” such reference shall be construed as if followed by the words “town of Richmond, Wisconsin.”

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

“Person” shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

“Personal property” includes every species of property except real property.

“Preceding” and “following” mean next before and next after, respectively.

“Premises,” as applied to real property, includes land and structures.

“Property” includes real property, personal property and mixed property.

“Real property,” “real estate,” “land,” and “lands” includes lands, tenements and hereditaments.

“Shall” is to be construed as being mandatory.

“Sidewalk” means that portion of a street between the curbline, or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians. If there is no public area between the lateral lines of the roadway and the abutting property line, then the area immediately abutting the street line shall be construed as the sidewalk.

Signature. If the signature of any person is required by law it shall always be the handwriting of such person or, if the person is unable to write, the person’s mark or the person’s name written by some other person at the person’s request and in the person’s presence.

“State” means the state of Wisconsin.

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

“Tenant” and “occupant,” as applied to a building or land, include:

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

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

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

“Town” means the town of Richmond, Wisconsin.

“Town board” and “board” mean the board of supervisors of the town of Richmond, Wisconsin.

“Week” means a period of seven consecutive days.

“Wis. Stats.” and “statute” mean the Wisconsin Statutes, as amended.

“Writing” includes any form of recorded message capable of comprehension by ordinary visual means.

“Year” means a calendar year. [Code 2002 § 1-2.]

State law references: Similar provisions, Wis. Stats. §§ 990.001(1), (2), (4), (8), (24) and (38).

1.01.030 Catchlines of sections – History notes – References – Editor's notes.

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

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

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

(d) Editor's notes and other references appearing after sections throughout this code are not intended to have any legal effect but are merely intended to assist the user of the code. [Code 2002 § 1-3.]

1.01.040 Provisions deemed continuation of existing ordinances.

The provisions of this code, insofar as they are substantially the same as legislation previously adopted by the town relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. [Code 2002 § 1-4.]

1.01.050 Certain ordinances not affected by code.

(a) Nothing in this code or the ordinance adopting this code affects the validity of any ordinance or portion of an ordinance:

(1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.

(2) Authorizing or approving any contract, deed or agreement.

(3) Granting any right or franchise.

(4) Making or approving any appropriation or budget.

(5) Providing for salaries or other employee benefits not codified in this code.

(6) Levying, imposing or otherwise relating to taxes not codified in this code.

(7) Adopting or amending the comprehensive plan.

(8) Dedicating, accepting or vacating any plat or subdivision.

(9) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street.

(10) Establishing the grade of any street or sidewalk.

(11) Levying or imposing any special assessment.

(12) Annexing property into the town.

(13) Deannexing property or excluding property from the town.

(14) That is temporary, although general in effect.

(15) That is special, although permanent in effect.

(16) The purpose of which has been accomplished.

(b) The ordinances designated in subsection (a) of this section continue in full force and effect to the same extent as if published at length in this code. [Code 2002 § 1-5.]

1.01.060 Effect of repeal of ordinances.

(a) Unless specifically provided otherwise, the repeal of an ordinance does not revive any repealed ordinance.

(b) The repeal or amendment of an ordinance does not affect any action or forfeiture incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal. [Code 2002 § 1-6.]

1.01.070 Code does not affect prior offenses or rights.

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

(b) The adoption of this code does not authorize any use or the continuation of any use of a structure or premises in violation of any town ordinance on the effective date of this code. [Code 2002 § 1-7.]

1.01.080 Violation – Penalty.

Unless another penalty is expressly provided, every person convicted of a violation of any provision of the code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine upon conviction of such violation, forfeit not less than $5.00 nor more than $500.00 together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the ordinance codified in this section shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any ordinance. In addition to the above, the town may enforce the judgment in the same manner as a judgment in an ordinary civil action. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any code section, whether or not such penalty is reenacted in the amendatory ordinance. [Ord. 47 § 4, 2002; Ord. 28 § I, 1992. Code 2002 § 1-8.]

State law references: Bail, Wis. Stats. § 66.114; penalties for violation of municipal ordinances, Wis. Stats. § 66.115; outstanding unpaid forfeitures, Wis. Stats. § 66.117; actions for violations of municipal ordinances, Wis. Stats. § 66.12; fines and costs in municipal courts, Wis. Stats. § 814.65.

1.01.090 Amendments to code – Effect of new ordinances – Amendatory language.

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

(b) Amendments to provisions of this code may be made with the following language: “Section (chapter, article, division or subdivision, as appropriate) _____ of the Richmond Town Code is hereby amended to read as follows: . . . .”

(c) If a new section, subdivision, division, article or chapter is to be added to the code, the following language may be used: “Section (chapter, article, division or subdivision, as appropriate) _____ of the Richmond Town Code is hereby created to read as follows . . . .”

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance. [Code 2002 § 1-9.]

1.01.100 Supplementation of code.

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

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

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

(1) Arrange the material into appropriate organizational units.

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

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

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

(5) Change the words “this ordinance” or similar words to “this chapter,” “this article,” “this division,” “this subdivision,” “this section” or “sections _____ to _____” (inserting section numbers to indicate the sections of the code that embody the substantive sections of the ordinance incorporated in the code).

(6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the code. [Code 2002 § 1-10.]

1.01.110 Severability.

The provisions of this code shall be deemed severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall only apply to the specific section or portion specified in the decision and shall not affect the validity of other portions thereof of the ordinance. The remainder of the town of Richmond ordinance or ordinances shall remain in full force and effect. Any other town of Richmond ordinance whose terms are in conflict with the provisions of this code are hereby repealed as to those terms that conflict. [Code 2002 § 1-11.]

State law references: Severability generally, Wis. Stats. § 990.001(11).

1.01.120 Responsibility for acts – Aiding and abetting.

Every person concerned in the commission of any act prohibited by this code, whether any person directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted and, upon conviction, is punishable as if such person had directly committed such act. [Code 2002 § 1-12.]

State law references: Collection of forfeitures generally, Wis. Stats. § 778.10.

Chapter 1
DATUM PLANE

Sections:

1.10.010 Town datum.

1.10.010 Town datum.

The town datum used to establish grades shall be the mean sea level datum 1929 adjustment, as established by the U.S. Coast and Geodetic Survey. [Ord. dated 9/16/2008 § 5; Ord. 2006-001 § 5, 2006; Ord. dated 8/9/2005. Code 2002 § 42-5.]

Chapter 2
ADMINISTRATION AND PERSONNEL

Sections:

2.10 Town Board
2.10 Town Chair
2.15 Town Clerk
2.20 Town Treasurer
2.25 Town Assessor
2.30 Town Attorney
2.35 Board of Review
2.40 Committees
2.45 Plan Commission
2.50 Weed Commissioner
2.55 Superintendent of Highways
2.60 Officer and Employee Regulations
2.65 Elections
2.70 Civil Emergencies
2.75 Records Retention

Section 2.10
TOWN BOARD

Sections:

2.10.010 Authority to manage and direct town.

2.10.020 Confirmation of statutory authority.

2.10.030 Membership of town board – Compensation – Expense reimbursement.

2.10.040 Quorum.

2.10.050 Notice of meetings of the town.

2.10.060 Open meetings.

2.10.070 General statutory authority, powers and duties of town board.

2.10.080 Regular meetings.

2.10.090 Special meetings.

2.10.100 Adjourned meetings.

2.10.110 Robert's Rules of Order, Newly Revised.

2.10.010 Authority to manage and direct town.

The town board has the specific authority, powers and duties, pursuant to Wis. Stats. Ch. 60 (Wis. Stats. Section 60.01 et seq.), and has, with authorization of the town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the town. In addition, the town board has additional general and specific statutory authority, powers and duties established within other statutes and such grant shall continue without limitation until rescinded as provided by law. Such grant shall include, without limitation by enumeration, those specified in Wis. Stats. Section 60.10(2). [Code 2002 § 2-1.]

2.10.020 Confirmation of statutory authority.

The town of Richmond has adopted village powers as authorized under state statutes as of April 23, 1956. [Ord. 47 § 5, 2002. Code 2002 § 2-2.]

2.10.030 Membership of town board – Compensation – Expense reimbursement.

The town board shall consist of five members. The town board shall be designated the "town board of the town of Richmond." The town meeting of the town may establish a rate of compensation for the town board members beginning in the next term. The town board may establish a rate of expense reimbursement at any time for the expense reimbursement of any town board member during the current term. [Code 2002 § 2-3.]

2.10.040 Quorum.

A legal quorum of a town board is a majority of the members of the town board. The current town board consists of five members, of which three members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the town board. [Code 2002 § 2-4.]

2.10.050 Notice of meetings of the town.

The notice of each and every public meeting shall be posted in accordance with Wis. Stats. Section 19.84. [Code 2002 § 2-5.]

2.10.060 Open meetings.

A meeting of the town board may be held within the town or in any town, city or village within or adjoining the town, subject to the open meeting provisions of Wis. Stats. Ch. 19 (Wis. Stats. Section 19.01 et seq.). [Code 2002 § 2-6.]

2.10.070 General statutory authority, powers and duties of town board.

The town board has the specific powers and specific duties noted in this section that are established in Wis. Stats. Sections 60.22 and 60.23. These powers and duties are as follows:

(a) Charge of Town Officers. The town board has charge of all public affairs of the town not committed by law to another body or officer or to a town employee of the town.

(b) Charge of Actions. The town board has charge of any action or legal proceeding to which the town is a party.

(c) Pursue Claims of Town. The town board shall demand payment of penalties and forfeitures recoverable by the town and damages incurred by the town due to breach of any official bond, any injury to property or other injury. If, following demand by the town board, payment is then not made, the town board shall pursue appropriate legal action to recover the appropriate penalty, forfeiture or damages.

(d) Miscellaneous Powers. The town board adopts the authority to participate, enact or appropriate monies for any or all of the activities listed in Wis. Stats. Section 60.23. [Code 2002 § 2-7.]

2.10.080 Regular meetings.

(a) The regular meeting of the town board will be held at the Town Hall, located at W9046 County Highway “A,” at 7:00 p.m. on the third Tuesday of each month, or at a time determined by the town board.

(b) Any regular meeting of the town board falling upon a legal holiday shall be held on the day designated by the town board.

(c) Any meetings of the town board, including any special or adjourned meetings, that are not held at the Town Hall but at any other substitute location, shall be designated by the town chair or his designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three usual and customary posting locations likely to give notice. This notice shall occur at least 24 hours prior to the meeting of the town board, unless in an emergency wherein the proper notice posting shall occur at least two hours prior to the meeting of the town board. [Ord. dated 6/13/2006. Code 2002 § 2-31.]

2.10.090 Special meetings.

(a) Any special meeting of the town board may be called by any two members of the town board in writing with the written call for the special meeting of the town board filed with the town clerk at least 24 hours prior to the proposed special meeting of the town board with the time specified in the written call for the special meeting.

(b) No special meeting of the town board shall be held unless the notice requirement of the state open meeting law, pursuant to Wis. Stats. Section 19.84, has been complied with by the person requesting the public meeting.

(c) The town clerk, upon receipt of the written call for the special meeting of the town board, shall immediately notify, in writing, each member of the town board by delivering the written notice or by having the written notice delivered personally or via fax to each member of the town board. If any member of the town board cannot be personally notified in writing, then the town

clerk shall deliver or have delivered a copy of the written notice at the home of any such member of the town board in the presence of an adult member of the family of the town board member. If any member of the town board cannot be noticed in writing through an adult family member as noted in this subsection, then the town clerk shall post such special meeting written notice in the three usual and customary locations noted in RMC 2.10.080. The town clerk shall also attempt to notify the town board member who cannot be served with the notice of the special meeting by emailing their personal email, if known, and/or leaving a message on their telephone answering machine.

(d) The town clerk shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and locations of authorized service of the special meeting notice upon the town board of the town. If personal service upon any member of the town board was not completed, then the town clerk shall so state in the affidavit the type of service or written notice completed.

(e) Special meetings of the town board may be held without such service and notice when all members of the town board are present in person or consent in writing to the holding of any special meeting of the town board. Any consent by any member of the town board shall be filed by the town clerk prior to the beginning of any special meeting of the town board.

(f) Special meetings of the town board attended by a quorum of the members shall be considered a regular meeting of the town board for the transaction of any town business that may come before the town board if such regular town business was so noted in the written notice to the public as required by the state open meeting law, Wis. Stats. Section 19.82. [Code 2002 § 2-32.]

2.10.100 Adjourned meetings.

The town board may, by majority vote, adjourn any special meeting of the town board from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the open meeting law. [Code 2002 § 2-33.]

2.10.110 Robert's Rules of Order, Newly Revised.

Unless other rules of conduct are specifically adopted and codified by ordinance by the town board, the town board and the meetings of the town board shall be governed by procedures established in Robert's Rules of Order, Newly Revised. [Code 2002 § 2-34.]

Chapter 2.20
COMMITTEES

Sections:

2.20.010 Standing committees.

2.20.020 Appointment of committee members.

2.20.010 Standing committees.

The town shall have the following three standing committees in addition to the board of review:

(a) Safety Committee. The safety committee shall include at least one board member from the town board and five residents of the township.

(b) Buildings and Equipment Committee. The buildings and equipment committee shall include at least one board member from the town board, the town roadman and five residents of the township.

(c) Plan Commission. The town plan commission shall be the “town zoning committee” and “planning committee” or “plan committee” or “planning commission” or “planning agency” of the town as those terms are used in Wisconsin Statutes. The plan commission shall include at least one board member from the town board, and five residents of the township.

The plan commission shall have the power to make reports and recommendations relating to the plan and development of the town to the town board as requested by the town board, and shall also, in the discretion of the town board, have all powers given to a plan commission under the Statutes of the State of Wisconsin to the extent such powers may be held by a town in Walworth County. Its members and employees may, in the performance of their duties, enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause, under Wis. Stats. Section 66.0119, or other court issued warrant.

The following items may be referred to the plan commission:

(a) Discretionary Referrals. The following may, in the discretion of the town board, be referred to the plan commission for report:

(1) The location and architectural design for any public building.

(2) The location of any statue or other memorial.

(3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:

(i) Street, alley, or other public way;

(ii) Park or playground;

(iii) Airport;

(iv) Area for parking vehicles; or

(v) Other memorial or public grounds.

(4) The location, extension, abandonment, or authorization for any publicly or privately owned public utility.

(5) Plats under the town’s jurisdiction, under Wis. Stats. Ch. 236, including divisions under a town subdivision or other land division ordinance adopted under Wis. Stats. Section 236.45.

(6) The location, character, and extent or acquisition, leasing, or sale of lands for:

(i) Public or semi-public housing;

(ii) Slum clearance;

(iii) Relief of congestion; or

(iv) Vacation camps for children.

(7) Consideration of the amendment or repeal of any ordinance, the town master plan or the town comprehensive plan, under Wis. Stats. Section 66.1001, and the town official map.

(8) Any application submitted under land division regulations adopted as part of this code.

(9) Any proposal, under Wis. Stats. Section 59.69, for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.

(10) Proposed regulations or amendments relating to historic preservation, under Wis. Stats. Section 60.64.

(11) A proposed driveway access ordinance or amendment.

(12) A proposed town official map ordinance, or any other proposed town ordinance.

(13) A proposed town zoning ordinance or amendment.

(14) Any proposed plan, element of a plan, or amendment to such plan or element developed by the regional planning commission and sent to the town for review or adoption.

(15) Any proposed contract for the provision of information, or the preparation of a comprehensive plan, an element of a plan, or an implementation measure, between the town and the regional planning commission, under Wis. Stats. Section 66.0309, another unit of government, a consultant, or any other person or organization.

(16) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Wis. Stats. Section 66.1009.

(17) A proposal to create environmental remediation tax incremental financing in the town, under Wis. Stats. Section 66.1106.

(18) A proposed county agricultural preservation plan or amendment, under Wis. Stats. Ch. 91, Subch. IV, referred by the county to the town, or proposed town agricultural preservation plan or amendment.

(19) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.

(20) A proposed county zoning ordinance or amendment.

(21) A proposed county subdivision or other land division ordinance, under Wis. Stats. Section 236.45, or amendment.

(22) A proposed intergovernmental cooperation agreement, under Wis. Stats. Section 66.0301 or other statute, affecting land use, or a municipal revenue sharing agreement, under Wis. Stats. Section 66.0305.

(23) A proposed plat or other land division under the county subdivision or other land division ordinance, under Wis. Stats. Section 236.45.

(24) A proposed county plan under Wis. Stats. Section 236.46 or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

(25) Matters related to conservation easements under Ordinance No. 2008-002, as amended.

(26) Any other matter the town board deems advisable for referral to the plan commission for report.

(b) Required Referrals. The following shall be referred to the plan commission for report:

(1) An application for initial licensure of a child welfare agency or group home, under Wis. Stats. Section 48.68(3).

(2) An application for initial licensure of a community-based residential facility, under Wis. Stats. Section 50.03(4).

(3) Proposed designation of a street, road, or public way, or any part thereof, wholly within the jurisdiction of the town, as a pedestrian mall, under Wis. Stats. Section 66.0905.

(4) Matters relating to the establishment or termination of an architectural conservancy district, under Wis. Stats. Section 66.1007.

(5) Matters relating to the establishment of a reinvestment neighborhood required to be referred, under Wis. Stats. Section 66.1107.

(6) Matters relating to the establishment or termination of a business improvement district required to be referred, under Wis. Stats. Section 66.1109.

(7) A proposed housing authority project, under Wis. Stats. Section 66.1211(3).

(8) Matters relating to urban redevelopment and renewal in the town required to be referred under Wis. Stats. Ch. 66, Subch. XIII.

(9) The adoption or amendment of a town subdivision or other land division ordinance, under Wis. Stats. Section 236.45(4).

(10) Any other matter required by the Wisconsin Statutes to be referred to a plan commission, a planning commission, a plan committee, a planning committee, or a planning agency, and not directly to the town board.

2.20.020 Appointment of committee members.

Any and all members of the committees will be tasked as necessary by the town board and will have meetings as tasked. The town board member on the committee will chair the meetings of the committee. The town board shall solicit members for the committee in town notices to join as vacancy occurs. The town board shall vote to approve each member of the committee. The positions for each citizen member of the committees shall be for a term of not more than three years, with resident member’s terms staggered in time so that turnover is alternated.

Vacancies and Removal. A person who is appointed to fill a vacancy shall serve for the remainder of the term. A member of the plan commission may be removed only by a majority vote of the town board.

Rules – Records. The committees may adopt rules for the transaction of its business, subject to the town code, and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record under Wis. Stats. Sections 19.21 through 19.39.

Committee Members as Local Public Officials. All members of the plan commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, Wis. Stats. Section 19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, Wis. Stats. Sections 19.21 through 19.39; Code of Ethics for Local Government Officials, Wis. Stats. Sections 19.42, 19.58, and 19.59; Open Meetings, Wis. Stats. Sections 19.81 through 19.89; Misconduct in Office, Wis. Stats. Section 946.12; and Private Interests in Public Contracts, Wis. Stats. Section 946.13. Committee members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Chapter 2.30
WEED COMMISSIONER

Sections:

2.30.010 Appointment.

2.30.010 Appointment.

The town chair may, pursuant to Wis. Stats. Section 66.0517, appoint, on or before May 15th of each year, a weed commissioner or weed commissioners. The person appointed will hold the office for one year and until a successor has been qualified. If more than one person is appointed, the town chair shall divide the town into districts and each weed commissioner shall be assigned a district. [Code 2002 § 2-226.]

Chapter 2.40
SUPERINTENDENT OF HIGHWAYS

Sections:

2.40.010 Appointment – Termination.

2.40.020 Compensation.

2.40.010 Appointment – Termination.

(a) The town board may, pursuant to Wis. Stats. Section 81.02, appoint one or more superintendents of highways.

(b) The town chair may remove any superintendent of highways without cause. [Code 2002 § 2-246.]

2.40.020 Compensation.

The town board shall establish compensation for the superintendent of highways based on a regular salary or by a per diem allowance. In addition, pursuant to Wis. Stats. Section 81.02, the town board may establish a stated amount for the maintenance and upkeep of an automobile or motor truck. [Code 2002 § 2-247.]

Chapter 2.50
ORDINANCE TO APPOINT ALTERNATE MEMBERS TO THE BOARD OF REVIEW

2.50.010 Appointment of alternate members to the Board of Review.

Ordinance to Appoint Alternate Members to the Board of Review

Whereas, Wis. Stat. § 70.47(6m)(c) authorizes the appointment of alternate members to serve on the Board of Review when standing members are removed from individual cases;

Now, therefore, the Town Board of Richmond, Walworth County does ordain as follows:

1. ADOPTION
   Pursuant to Wis. Stat. §§ 70.47(6m)(c) and 70.46(1), the Town Board hereby provides for the appointment of alternates to serve on the Town Board of Review in the event a standing board member of the Board of Review is removed or unable to serve for any reason.

2. APPOINTMENTS
   The following electors of the Town of Richmond are hereby named as alternates, in the order indicated, to serve as alternate Board of Review members:

   Alternate 1: David Alexander

   Alternate 2: _____

   Alternate 3: _____

   (*No fewer than three Board of Review members are needed to make a final determination of an objection to the property assessment.*)

3. EFFECTIVE DATE
   The appointments made in this ordinance are effective immediately upon posting as provided by law and are for the Year 2026 and succeeding years until such appointments are rescinded by action of the Town Board.

Adopted on this 21st day of July 2026 by the Town Board of the Town of Richmond.

Donna Jones

Donna Jones, Town Chair

ATTEST:

Mary Oberst

Mary Oberst, Town Clerk

Chapter 2.60
OFFICER AND EMPLOYEE REGULATIONS

Sections:

2.60.010 Appointment of special offices.

2.60.020 Authority for oath and bond.

2.60.030 Oath.

2.60.010 Appointment of special offices.

The town board shall, at its first meeting or, if the established agenda does not permit, at the second meeting, appoint or reappoint persons to the special offices of the town board as set forth in this chapter. [Code 2002 § 2-91.]

2.60.020 Authority for oath and bond.

(a) The town board has the specific statutory authority, powers and duties pursuant to Wis. Stats. Sections 60.20, 60.22 and 60.31 to require that certain elected officials take an official oath and to require that they file the appropriate bond.

(b) The town board has, by the adoption of this chapter, confirmed the specific statutory authority, powers and duties noted in Wis. Stats. Ch. 60 (Wis. Stats. Section 60.01 et seq.) and has established, pursuant to such chapter and this chapter, other statutory authority, powers and duties of the town board related to requiring the taking of oaths and the filing of bonds. [Code 2002 § 2-92.]

2.60.030 Oath.

(a) Generally. All elected officers and appointed officers of the town, except elected assessors and municipal judges, shall take and file the oath set forth in this section within five days after notification of election or appointment by the town clerk. The written oath of office and the oral oath of office, pursuant to Wis. Stats. Section 19.01, shall be substantially in the form set forth in subsection (b) of this section.

(b) Written Oath.

STATE OF WISCONSIN

County of Walworth

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, _____ swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of such office to the best of my ability. So help me God.

Subscribed and sworn to before me this _____ day of _____, 20_____.

Signature _____

(c) Filing Locations. The official oath of all elected officers and appointed officers of the town shall be filed with the town clerk except that the town clerk shall file his oath with the town treasurer.

(d) Failure to File Oath. If any elected officer or appointed officer of the town fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No municipal judge in the town shall be paid a salary for any time during the term during which the municipal judge has not executed and filed his oath. [Code 2002 § 2-93.]

Chapter 2.70
CIVIL EMERGENCIES

Sections:

2.70.010 Joint action emergency plan.

2.70.020 Coordinator of emergency government.

2.70.010 Joint action emergency plan.

A joint action ordinance of the board of supervisors of the county providing for a county-municipal joint action emergency government plan of organization was adopted by the county board on June 15, 1971. A copy of the county ordinance is on file in the town offices, and made a part of this chapter by reference, and is hereby ratified and accepted by the town. This ratification and acceptance of the joint action shall constitute a mutual agreement between the town and the county. [Code 2002 § 18-1.]

2.70.020 Coordinator of emergency government.

Chairman or his designate is appointed as the emergency government representative to be employed by the Walworth County board as provided in Walworth County Ordinance No. 27, and is hereby designated and appointed coordinator of emergency government for the town of Richmond, subject to the terms, conditions and provisions as set forth in Wisconsin Statutes, and Walworth County joint actions and town ordinances. [Amended during 2014 codification; Ord. 47 § 5, 2002. Code 2002 § 18-2.]

Chapter 2.75
RECORDS RETENTION

2.75.10 Title and Purpose.

This ordinance is entitled the Town of Richmond Ordinance to Adopt the Wisconsin Municipal Records Schedule. The purpose of this ordinance is to provide the legal custodian(s) of public records in the possession of the Town of Richmond with the authority to retain and destroy those records.

2.75.20 Authority

The Town Board of the Town of Richmond, Walworth County, Wisconsin, has the specific authority under ss. 60.83 and ss. 19.21(4), Wis. Stats., to adopt an ordinance to address the management and destruction of public records.

2.75.30 Adoption of Wisconsin Municipal Records Schedule

The Wisconsin Municipal Records Schedule, as approved by the Public Records Board on August 27, 2018, attached hereto and incorporated herein by reference, is hereby adopted by the Town Board, Richmond Township as the Town's official record retention schedule.

2.75.40 Notification to Wisconsin State Historical Society

When a record has met the terms of the retention period, the record may be destroyed by the legal custodian of the record, provided the custodian has complied with the notification requirement set forth in s. 19.21(4), Wis. Stats., to the Wisconsin State Historical Society.

2.75.50 Conflict

In the event of any conflict between the terms of this ordinance and any applicable state statute, the applicable state statute shall control.

2.75.60 Revocation of Preceding Ordinance

This ordinance hereby revokes and supersedes any prior resolutions or ordinances adopted by the town board relating to the retention and/or destruction of public records of the Town of Richmond.

2.75.70 Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats. Adopted this 17th day of March, 2026 by the Town Board of the Town of Richmond, Walworth County.

Title 3
CHARGES FOR TOWN SERVICES

Chapter 3.05
CHARGES FOR COST OF TOWN CONTRACT PROFESSIONALS AND TOWN STAFF SERVICES

Sections:

3.05.010 Charges authorized.

3.05.010 Charges authorized.

(a) Charges Authorized.

(1) Whenever the offices of the town attorney, town engineer, or any other of the town's contract professional staff or whenever a member of the town's staff is contacted for current services regarding a specific person's or entity's property, development or other special matter in the town of Richmond by the town chair or town supervisor, or any representative, employee, agent or designee of the town, or a property owner or any person or entity or a respective representative, if said service is not a service provided to the town of Richmond as a whole, then the town clerk shall be authorized to charge said person or entity for the current service provided and/or pursuant to the provision of Wis. Stats. Section 66.0627 to impose a special charge for that current service to the benefitted property owner for the fees incurred by the town.

(2) This section shall be enforced on the basis of the policy as established by the town by resolution enacted by the town board and revised from time to time that shall include schedules for cash deposits and other means of securing payment to the town.

(b) The town clerk or town treasurer is authorized to invoice each person or entity for special charges, allowing a period of time, not more than 30 days, to pay for current services provided to that person or entity by town contract professionals or town staff. The invoice shall include an itemized statement of the professional or staff services provided.

(c) The town clerk or town treasurer shall give each property owner, invoiced for current services, notice that a hearing may be requested before the town board regarding the charges against the property. If a hearing is timely requested in writing within 20 calendar days of the mailing of the invoice for current services, the matter shall be heard in accordance with the provisions of this chapter on the issue of the cost of professional or staff costs incurred to benefit a specific land owner.

(d) If any amount remains unpaid after the 30 days allowed for payment where no hearing has been timely requested, the town clerk shall automatically charge that delinquent amount, plus any applicable penalty and/or interest, against the current or next tax roll as a delinquent tax against the property pursuant to Wis. Stats. Section 66.0627. In the event the invoice rendered to a property owner or the time allowing for payment precludes placement on the current year's tax roll, any such delinquent charge shall be extended to the following year's tax roll.

(e) Upon receipt of a timely request for a hearing on the invoice for special charges, the town board shall hold a hearing regarding same at its next regular meeting or, at its

discretion, at a special meeting. Such hearing shall be preceded by posted public notice and written notice to the property owner.

(f) When a timely hearing has been requested, no current special charges for services shall be placed on the tax roll until a hearing has been held and a decision has been rendered and reduced to writing, a copy of which shall be mailed to the property owner. Only that part of the special charges for services approved by the town board may be placed on the tax roll after the property owner has been given 30 days to pay from the date of the town board's decision.

(g) The town, in addition to or instead of the above, may follow any other legal means to collect the amounts due. [Ord. dated 7/21/2009 § 1. Code 2002 § 2-8.]

Title 5
BUSINESS LICENSES AND REGULATIONS

Chapters:

5.05 Alcoholic Beverages

5.10 Adult-Oriented Establishments

Chapter 5.05
ALCOHOLIC BEVERAGES

Sections:

5.05.010 Authority.

5.05.020 Qualifications for operators' licenses.

5.05.030 Qualifications for retail licenses for individual applicants.

5.05.040 License fees – Duration.

5.05.050 Town clerk's duties.

5.05.060 *Repealed.*

5.05.010 Authority.

The town, under Wis. Stats. Chapter 125, may grant or issue alcoholic beverage licenses subject to limitations and restrictions provided by state law and under this chapter. Sale of cigarette and tobacco products may be licensed under Wis. Stats. Section 134.65. [Ord. 001-023 § 2; Ord. dated 9/18/2012 § 1. Code 2002 § 6-1.]

5.05.020 Qualifications for operators' licenses.

Individuals, all partners (including limited partners), the officers, directors, and agents of corporations, the members, managers and agents of limited liability companies and officers, directors and agents of nonprofit organizations applying for a town provisional operator or operator's license must be at least 18 years of age, must not have been convicted of a felony, sale of an intoxicant to a minor in the state, or be a habitual law offender, or have an arrest or conviction record subject to Wis. Stats. Sections 111.321, 111.322 and 111.335. [Ord. 001-023 § 2; Ord. dated 9/18/2012 § 2. Code 2002 § 6-2.]

5.05.030 Qualifications for retail licenses for individual applicants.

Individual applicants for retail alcoholic beverage licenses must be at least 21 years of age, must not have an arrest or conviction record under Wis. Stats.
Sections 111.321, 111.322 and 111.335, must be a continuous state resident for at least 90 days, and must have successfully completed an approved responsible beverage server training course in the past two years unless the person is renewing a license or within the past two years has held a manager's or operator's license, or was an agent of a company or limited

liability company that held a Class A, Class B or Class C beer or liquor license in the state. [Ord. 001-023 § 2; Ord. dated 9/18/2012 § 3. Code 2002 § 6-3.]

5.05.040 License fees – Duration.

License fees shall be based on an annual charge or as otherwise required by state law, and shall be set by the town board by resolution. [Ord. 001-023 § 2; Ord. dated 8/19/2014 § 1. Code 2002 § 6-4.]

5.05.050 Town clerk's duties.

The town clerk of the town of Richmond has the authority granted by Wis. Stats. Section 125.17 to grant provisional operators' licenses to applicants who have applied for permanent licenses in the town of Richmond; provided, that a criminal background check shows that they have not been convicted of any felonies. The provisional license shall be for any period as allowed by Wis. Stats. Section 125.17. The town clerk is also further directed to bring the permanent application before the next town board meeting for approval. [Ord. 001-023 § 2; Ord. 47 § 5, 2002. Code 2002 § 6-5.]

5.05.060 Compliance with county and town ordinances.

Repealed by Ord. 001-023. [Ord. dated 9/18/2012 § 4. Code 2002 § 6-6.]

Chapter 5.10
ADULT-ORIENTED ESTABLISHMENTS

Sections:

5.10.010 Definitions.
5.10.020 License requirements.
5.10.030 Application for license.
5.10.040 Standards for issuance of license.
5.10.050 Fees.
5.10.060 Display of license or permit.
5.10.070 Renewal of license or permit.
5.10.080 Revocation of license.
5.10.090 Physical layout of adult-oriented establishment.
5.10.100 Regulations.
5.10.110 Responsibilities of the operator.
5.10.120 Administrative procedure and review.
5.10.130 Exclusions.
5.10.140 Severability.
5.10.150 Violation – Penalty.
5.10.160 Enforcement.

5.10.010 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:

“Adult bookstore” means an establishment having as its stock-in-trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section and in conjunction therewith have facilities for the presentation of adult entertainment as defined in this section, including adult-oriented films, movies or live performances for observation by patrons therein.

“Adult cabaret” means a cabaret which features topless or bottomless dancers, strippers, male or female impersonators or similar entertainers.

“Adult entertainment” means any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas, as defined in this section, or the removal of articles of clothing or appearing partially or totally nude.

“Adult mini-motion picture theater” means an enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual

activities or specified anatomical areas as defined in this section for observation by patrons therein.

“Adult motion picture theater” means an enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section for observation by patrons therein.

“Adult-oriented establishment” means, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabarets and further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

“Operator” means any person, partnership or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

“Specified anatomical areas” means:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(2) Human male genitals in a discernible turgid state, even if opaquely covered.

“Specified sexual activities, simulated or actual” means:

(1) Showing of human genitals in a state of sexual stimulation or arousal.

(2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.

(3) Fondling or erotic touching of human genitals, pubic region, buttock or female breast. [Code 2002 § 14-31.]

5.10.020 License requirements.

(a) Except as provided in subsection (d) of this section, from and after the effective date of the ordinance from which this chapter is derived, no adult-oriented establishment shall be operated or maintained in the town without first obtaining a license to operate issued by the town.

(b) A license may be issued only for one adult-oriented establishment located at a fixed and certain place. Any person who desires to operate more than one adult-oriented establishment must have a license for each establishment.

(c) No license or interest in a license may be assigned or transferred by the holder thereof to any person.

(d) The operator of an adult-oriented establishment existing at the time of the passage of the ordinance from which this chapter is derived must submit an application for a license within 90 days of the passage of such ordinance. If an application is not received within such 90-day period, then such existing adult-oriented establishment shall cease operations. [Code 2002 § 14-32.]

5.10.030 Application for license.

(a) Any person desiring to secure a license shall make application to the town clerk. The application shall be filed in triplicate with and dated by the town clerk.

(b) The application for a license shall be upon a form provided by the town clerk. An applicant for a license, who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

(1) Name and address.

(2) Written proof that the individual is at least 18 years of age.

(3) The address of the adult-oriented establishment to be operated by the applicant.

(4) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, the name and address of all shareholders owning more than five percent of the stock in such corporation and all officers and directors of the corporation.

(c) Within four days of receiving an application for a license, the town clerk shall refer the matter to the town board for action.

(d) The town board shall act on the application within 30 days of its filing with the town clerk to approve or disapprove the application.

(e) Within three days of town board action, the town clerk shall notify the applicant whether the application is granted or denied.

(f) Whenever an application is denied, the town clerk shall advise the applicant in writing of the reasons for such action. The applicant may request administrative review of the denial under the provisions of Wis. Stats. Ch. 68 (Wis. Stats. Section 68.01 et seq.).

(g) Failure or refusal of the applicant to give any information relevant to the investigation of the application, applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding such application or applicant's refusal to submit to or cooperate with any investigation required by this chapter shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the town board. [Code 2002 § 14-33.]

5.10.040 Standards for issuance of license.

(a) To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:

(i) The applicant shall be at least 18 years of age.

(ii) The applicant shall not have been convicted of violating this chapter within five years immediately preceding the date of the application.

(2) If the applicant is a corporation:

(i) All officers, directors and shareholders required to be named under subsection (a)(3)(ii) of this section shall be at least 18 years of age.

(ii) No officer, director or shareholder required to be named under subsection (a)(3)(ii) of this section shall have been convicted of violating this chapter within five years immediately preceding the date of the application.

(3) If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

(i) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

(ii) No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of violating this chapter or an ordinance of a similar nature of another municipality within five years immediately preceding the date of the application.

(b) No license shall be issued for any adult-oriented establishment which is licensed for the sale at retail of intoxicating liquor, wine or fermented malt beverages for consumption on the premises. [Code 2002 § 14-34.]

5.10.050 Fees.

A license fee shall be determined by the town board by resolution. If the application is denied, one-half of the fee shall be returned. [Ord. dated 8/19/2014 § 1. Code 2002 § 14-35.]

5.10.060 Display of license or permit.

The license shall be displayed in a conspicuous public place in the adult-oriented establishment. [Code 2002 § 14-36.]

5.10.070 Renewal of license or permit.

(a) Every license issued pursuant to this chapter will terminate on June 30th next following the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the town clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the town clerk. The application for renewal shall be upon a form provided by the town clerk and shall contain such information and data given under oath or affirmation as is required for an application for a new license. The same procedure shall be followed as for an original license application.

(b) A license renewal fee of $250.00 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of $100.00 shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one-half of the total fees collected shall be returned. [Code 2002 § 14-37.]

5.10.080 Revocation of license.

(a) The town board shall revoke a license or permit for any of the following reasons:

(1) False or misleading information or data was given on any application or material facts were omitted from any application.

(2) The operator or any employee of the operator violates any provision of this chapter or any rule or regulation adopted by the town board pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the town board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(3) The operator becomes ineligible to obtain a license or permit.

(4) Any cost or fee required to be paid by this chapter is not paid.

(5) Any intoxicating liquor, wine or fermented malt beverage is served or consumed on the premises of the adult-oriented establishment on the day of a performance.

(b) The town board, before revoking or suspending any license or permit, shall give the operator at least 10 days' written notice of the charges against him and the opportunity for a public hearing before the town board as provided in this chapter.

(c) The assignment or transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(d) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six months from the date of revocation of the license. [Code 2002 § 14-38.]

5.10.090 Physical layout of adult-oriented establishment.

Any adult-oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.

(b) Construction. Every booth, room or cubicle shall meet the following construction requirements:

(1) Each booth, room or cubicle shall be separated from the adjacent booths, rooms and cubicles and any nonpublic areas by a wall.

(2) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room or cubicle.

(3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth textured and easily cleanable.

(4) The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.

(5) The lighting level of each booth, room or cubicle when not in use shall be a minimum of 10 foot-candles at all times as measured from the floor.

(c) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth. [Code 2002 § 14-39.]

5.10.100 Regulations.

(a) No adult-oriented establishment may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekends and Saturdays, and 1:00 a.m. and 12:00 p.m. on Sundays.

(b) No employee of an adult-oriented establishment shall solicit any pay or gratuity from any patron or customer nor shall any patron or customer pay or give any gratuity to any employee in an adult-oriented establishment.

(c) No employee of an adult-oriented establishment shall touch a patron or customer nor the clothing of a patron or customer.

(d) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or allow any minor to view adult entertainment as defined in this chapter. [Code 2002 § 14-40.]

5.10.110 Responsibilities of the operator.

(a) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs,

either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(c) No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or allow any minor to view adult entertainment as defined in this chapter.

(d) The operator shall maintain the premises in a clean and sanitary manner at all times.

(e) The operator shall maintain at least 10 foot-candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles; provided, however, at no time shall there be less than one foot-candle of illumination in such aisles as measured from the floor.

(f) The operator shall ensure compliance of the establishment and its patrons with the provisions of this chapter.

(g) No alcoholic beverages shall be consumed on the licensed premises on the day of any performance governed under this chapter. [Code 2002 § 14-41.]

5.10.120 Administrative procedure and review.

Wis. Stats. Ch. 68 (Wis. Stats. Section 68.01 et seq.) shall govern the administrative procedure and review regarding the granting, denial, renewal, nonrenewal, revocation or suspension of a license. [Code 2002 § 14-42.]

5.10.130 Exclusions.

Any private or public school as defined in Wis. Stats. Ch. 115 (Wis. Stats. Section 115.01 et seq.) located within the town is exempt from obtaining a license under this chapter when instructing pupils in sex education as part of its curriculum. [Code 2002 § 14-43.]

5.10.140 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase of this chapter. The town board hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional. [Code 2002 § 14-44.]

5.10.150 Violation – Penalty.

Any person who violates any provision of this chapter shall, upon conviction thereof, forfeit not more than $1,000 and 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. Each day a violation exists or continues shall constitute a separate offense. [Code 2002 § 14-45.]

5.10.160 Enforcement.

The town chairman and town constable, if any, shall be responsible for the enforcement of this chapter. [Code 2002 § 14-46.]

Title 8
HEALTH AND SAFETY

Chapters:

8.05 Fire Prevention and Protection

8.10 Blasting

8.15 Garbage and Solid Waste

8.20 Recycling

8.25 Public Nuisances

8.30 Solid Fuel-Fired Outdoor Heating Devices

8.35 Center Pivot Manure Distribution Systems

Chapter 8.10
FIRE PREVENTION AND PROTECTION

Sections:

8.10.010 Fire protection contract authorized.

8.10.020 Notice to agency of time, place of planned burning.

8.10.030 Posting of notices during fire hazard emergency.

8.10.040 Costs of fire services.

8.10.010 Fire protection contract authorized.

Wis. Stats. Section 60.55 states that “the town board shall provide for fire protection for the town.” To comply with this law, the town board of supervisors shall negotiate and enter into a fire protection contract for the town with the most appropriate fire protection organization available to serve the town. [Code 2002 § 26-1.]

8.10.020 Notice to agency of time, place of planned burning.

Any person planning to do any burning in the town shall notify the agency providing fire protection to the town of the place and time of such burning prior to the burning. The person shall start fires only as permitted under local, county, state or federal regulations and rules in effect at the time of the burning. [Code 2002 § 26-2.]

8.10.030 Posting of notices during fire hazard emergency.

The town clerk shall post or cause to be posted in five or more public places in each township in the town notices prepared by the Department of Natural Resources, forbidding the setting of fires upon any land in the town, until written permission is received from the town chairman or from one of the other fire wardens of the town. The notices shall be posted at any time the town chairman shall declare a dangerous fire hazard emergency exists. The town chairman shall declare that such a fire hazard emergency exists by issuing a proclamation in writing, which proclamation shall be published once in the Whitewater Register of Whitewater, Wisconsin. [Code 2002 § 26-3.]

8.10.040 Costs of fire services.

(a) When the agency providing fire protection under contract to the town is called to provide service to a property owner in the town, the cost of that service shall be charged to that property owner as provided in Wis. Stats. Section 60.55(2)(b).

(b) Title costs of fire calls as outlined in subsection (a) of this section shall be billed by the town clerk to the property owner and paid to the town treasurer within 60 days of the date of the bill. The failure to pay the bill within 60 days will result in interest being charged at the rate of one percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1st of any year, shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Wis. Stats. Section 66.0703(1)(a). [Code 2002 § 26-4.]

Chapter 8.20
RECOVER COSTS

Sections:

8.20.010 Purposes.

8.20.020 Definitions.

8.20.030 Jurisdiction.

8.20.040 Imposition of Charges.

8.20.050 Service Rates.

8.20.060 Billing Procedures.

8.20.070 Collection and Enforcement.

8.20.080 Liability.

8.20.090 Exceptions.

8.20.100 Severability.

8.20.110 Effective Date.

WHEREAS, the Town Board of the Town of Richmond desires to implement a fair and equitable procedure by which to recover costs associated with fire protection, emergency medical services, rescue operations, and related emergency services; and

WHEREAS, pursuant to Wisconsin Statutes §§ 60.55(2)(b) and 60.565, a town board may charge a reasonable fee for the cost of fire protection and ambulance services provided according to a written schedule established by the town board; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party(ies) should be held accountable for their actions; and

NOW, THEREFORE, the Town Board of the Town of Richmond, County of Walworth, State of Wisconsin, ordains as follows:

8.20.010 Purposes.

The purpose of this ordinance is to authorize the Town of Richmond to recover costs associated with fire protection, emergency medical services (EMS), rescue operations and related emergency services.

8.20.020 Definitions.

For purposes of this ordinance:

- “Emergency Services” means fire suppression, rescue, emergency medical services, hazardous materials response, and related services.
- “Responsible Party” means any individual, property owner, occupant, or entity whose actions, property, or request resulted in the emergency response.
- **“**False Alarm” means any alarm or call requiring response where no emergency condition exists.

- “Fire Protection Services” means services provided by contracted or mutual aid fire departments.

8.20.030 Jurisdiction.

This Ordinance applies to all real property located within the Town, to the extent that charges may be assessed against individual parcels of real estate.

8.20.040 Imposition of Charges.

The Town Board of the Town of Richmond shall establish service rates for Emergency Services and Fire Protection Services provided by its contracted service providers and departments. Such rates shall reflect the actual, usual, customary, and reasonable costs of providing those services. Such charges may include fire department responses, ambulance/emergency medical services, rescue operations, hazardous materials response, false alarms and unreported burns, and standby service for events. All intentional burning must be conducted in accordance with RMC Section 7.10.20 and failure to report may result in assessment of costs under this Section.

8.20.050 Service Rates.

A schedule of service rates shall be established and periodically updated by resolution of the Town Board. Such rates shall reflect the actual, usual, customary, and reasonable costs of providing those services, including the costs of services, hourly response rates, personnel, supplies, and equipment, and administrative costs.

8.20.060 Billing Procedures.

The Town Clerk or his or her designee shall issue invoices to the Responsible Party(ies). If applicable, a claim may be filed to the Responsible Party through their insurance carrier, and in other circumstances, the Responsible Party(ies) will be billed directly. Partial payment by an insurance carrier shall not relieve the Respomsible Party of any remaining balance. Payment shall be due within thirty (30) days of billing.

8.20.070 Collection and Enforcement.

Any unpaid charges remaining after ninety (90) days shall be deemed delinquent. At the Town Board’s discretion, delinquent charges resulting from service to particular properties within the Town may be assessed against real property in accordance with the provisions of Section 66.0627, Wis. Stat., as applicable. The Town may pursue any additional legal remedies available.

8.20.080 Liability.

The Responsible Party shall be liable for all costs associated with emergency services regardless of fault, insurance coverage, and whether charges are reimbursed by a third party.

8.20.090 Exceptions.

The Town Board may, in its discretion, waive or reduce charges for verified hardship, public benefit situations, or under the provisions of mutual aid agreements.

8.20.100 Severability.

If any portion of this ordinance is found invalid, the remainder shall remain in full force and effect.

8.20.110 Effective Date.

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

Chapter 8.30
BLASTING

Sections:

8.30.010 Purposes.

8.30.020 Permit required.

8.30.030 Requirements for use of explosives.

8.30.040 Inspection of blasting site.

8.30.050 Violation – Penalty.

8.30.010 Purposes.

It is the purpose of this chapter to promote the health, safety, welfare and convenience of the public, recognizing that the use of explosive materials is inherently dangerous and, if not properly regulated, is a threat to human life and to property within the township. [Code 2002 § 26-31.]

8.30.020 Permit required.

(a) No person shall use any explosive within the town without first obtaining a permit therefor from the town clerk or town chairman. Application for such permit shall be filed with the town clerk in writing, on a form furnished for such purpose. Every application for a blasting permit shall state, as to the proposed blasting, the following:

(1) Its location (i.e., the legal property description of the property where the blasting is to take place).

(2) Its purpose.

(3) The type of explosives to be used.

(4) The method of blasting to be employed.

(5) The name, address and telephone number of the title holder of the land described in answer to subsection (a)(1) of this section.

(6) The name, address and telephone number of the individual permittee to whom the permit will be issued. Such permittee will be responsible for ensuring compliance with the requirements of this chapter and will be subject to prosecution in accordance with this chapter for its violation.

(7) The name and address of the licensed blaster who will oversee the conduct of each instance of blasting.

(b) Applicants, when requested by the town clerk, must show compliance with all applicable municipal ordinances, the Wisconsin Statutes, and the Wisconsin Administrative Code.

(c) The town clerk may, from time to time, revise the application form to require such additional information such as the clerk, in consultation with the police department, fire department and/or town board, shall deem necessary to carry out the purposes of this chapter.

(d) The fee for blasting permits shall be determined by the town board by resolution, and shall be paid with the application. [Ord. dated 8/19/2014 § 1. Code 2002 § 26-32.]

8.30.030 Requirements for use of explosives.

(a) Except for fireworks displays authorized by a specialized resolution of the town board, no permittee under this chapter shall blast or drill in preparation for blasting except between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. No blasting shall take place on any holiday.

(b) Permittees shall notify persons who may be affected by their blasting by giving such persons at least 48 hours' notice of the time when each blast is scheduled to take place. The town clerk shall designate to the permittee the names and addresses of those persons to receive such notice. Notice shall be by mail.

(c) Permittees shall keep a record of the date and time of each blast, location of shots, number of holes for explosives, depth of holes, amount of explosives used, and the persons given notice thereof pursuant to subsection (b) of this section, and shall be required upon request to exhibit such record to any police officer, firefighter or elected official of the town.

(d) All incidents of permitted blasting shall be within one hour on either side as to the time each blast is scheduled to take place according to the permit application and to any notice given to persons who may be affected by such blasting. Exceptions may be granted by the town clerk or the town chairman due to atmospheric conditions to allow an incident of blasting in the next available opportunity without issuance of another permit.

(e) Without the prior written consent of the affected owner or governmental unit, no permittee shall place or explode any explosive within 200 feet of any public road or structure not owned by such permittee. For the purposes of this subsection, a structure shall include any building, well or septic system and facilities connected with such structures and necessary to their operation.

(f) No permittee shall, in any one instance of blasting, employ more than 30 holes and none of those holes shall be more than 20 feet deep.

(g) With reference to blasting activities allowed under the five license classifications defined by Wis. Admin. Code Comm. Section 7.11(4), any permittee engaging in class 1 blasting activities shall be required to show proof of financial responsibility in the minimum amount of $5,000; for class 2 blasting activities the minimum amount shall be $10,000; for all other classes of blasting activities, the minimum amount shall be $25,000. Proof of financial responsibility shall be accomplished only by proof of insurance or bond. [Code 2002 § 26-33.]

8.30.040 Inspection of blasting site.

The permittee and/or the permittee's blaster shall allow the town chairman, any town supervisor, any law enforcement officer or any person designated by the town chairman, any town supervisor or any law enforcement officer to inspect any blasting site upon such inspector's request. No such inspection shall occur unless the inspector is accompanied during the inspection by either the permittee or the blaster, and the permittee and/or blaster shall cooperate with all such inspection requests. [Code 2002 § 26-34.]

8.30.050 Violation – Penalty.

Any person who violates any provision of this chapter shall forfeit at least $200.00 but not more than $1,000 plus costs of prosecution. Each such unpermitted use of an explosive shall constitute a separate offense under this chapter. If the permittee or those acting under such permittee violate or are violating any requirement of this chapter, the town clerk may immediately suspend any outstanding permit if life, health or property is in danger. The town clerk may further require the permittee to show cause, at the next regularly scheduled town board meeting, why any suspended permits should be reinstated and/or why future permits should be issued to that permittee. Upon a finding that a permit has been violated, the board

may impose conditions for issuance of any future permits. If the town board, after giving proper notice and opportunity for hearing before the town board, finds that the permittee violated any requirement of this chapter intentionally or recklessly, the town board may immediately revoke any outstanding permits. No permittee found to have violated this chapter shall be permitted to apply for a new permit until 60 days from the date of the suspension elapse. [Code 2002 § 26-35.]

Chapter 8.40
GARBAGE AND SOLID WASTE

8.40.010 Brush collection policy and schedule.

The town will collect brush on the first Monday of each month or publish a schedule of dates from May to November. Residents must call the Town Hall at 608-883-2269 by noon the Thursday of the week before to make an appointment for the collection. Additional brush collection times may be scheduled during the spring and fall seasons.

8.40.020 Collection fees.

Brush located at the curbside will be chipped. The first 10 minutes of chipping will be free of charge. Fees for chipping shall be determined by the town board by resolution.

Brush 3' or longer, 3/4" to 4" diameter must be piled at curbside with the cut end facing the road. Vines, rakings, roots and root balls will not be accepted. The Roadman may refuse chipping if the pile does not meet the stated requirements.

8.40.030 Billing and payment.

Any charges due shall be paid by the owner and/or the person requesting services within 30 days of the date of the invoice. Any amounts not timely paid shall accrue interest from the invoice date at the rate of one percent per month.

8.40.040 Remedies for failure to make payments.

(a) Suit. Any collection fees due from any person or user shall be deemed to be a debt due to the town from that person or user. If collection fees are not paid when due, the town board may commence an action in a court of competent jurisdiction; and recover from such person or user the amount of charges or fees and damages, if any, sustained by the town as a result of such failure to pay, together with reasonable attorney's fees and such costs and expenses as may be allowed by law.

(b) Lien on Property. As an alternative to the suit described in subsection (a) of this section, the town board directs that unpaid collection fees shall automatically be extended upon the current or next tax roll as a delinquent tax against the property in the manner provided for in Wis. Stats. Section 66.60(16).

Chapter 8.50
RECYCLING

8.50.010 Purpose.

The purpose of this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code.

8.50.020 Statutory authority.

This chapter is adopted as authorized under s. 287.09(3)(b), Wis. Stats. and other ordinances and statutes governing the town.

8.50.030 Abrogation and greater restrictions.

It is not intended by this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall apply.

8.50.040 Interpretation.

In their interpretation and application, the provisions of this chapter 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 chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the ch. NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

8.50.050 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.

8.50.060 Applicability.

The requirements of this chapter apply to all persons within the town.

8.50.070 Administration.

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

8.50.080 Effective date.

The provisions of this chapter shall take effect on April 22, 2026.

8.50.090 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:

“Approved container” means a garbage can, plastic bag, recycle bin, dumpster or throw-away container.

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

“Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.

“Contractor” means a licensed solid waste and/or recycling hauler contracted by the town board to provide service as instructed by contract.

“Curbside recycling and solid waste service” means the collection by the contractor of recyclables and solid waste that have been placed at the curbside by participating residents.

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

(1) Is designed for serving food or beverages.

(2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

“Glass Container” means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.

“HDPE” means high density polyethylene, labeled by the resin code # 2.

“LDPE” means low density polyethylene, labeled by the resin code # 4.

“Magazines” means magazines and other materials printed on similar paper.

“Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

“Multiple-family dwelling” means a structure containing five or more residential units, including those which are occupied seasonally.

“Newspaper” means newspaper and other materials printed on newsprint.

“Nonresidential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple-family dwellings.

“Office paper” means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.

“Other resins” and “multiple resins” mean plastic resins; labeled by the resin code # 7.

“Participating residents” means all residents of the town of single- to four-unit households eligible to receive curbside recycling and solid waste pickup service.

“Person” includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

“PETE” or “PET” means polyethylene terephthalate, labeled by the resin code # 1.

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

“Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats, or waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.

“PP” means polypropylene, labeled by the resin code # 5.

“PS” means polystyrene, labeled by the resin code # 6.

“PVC” means polyvinyl chloride, labeled by the resin code # 3.

“Recyclable materials” means lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

“Recyclables material report” means a report submitted by the contractor on a scheduled basis to the town board that identifies weight of recyclables, summarizes volumes of each recyclable, etc.

“Scheduled collection day” means the normal, customary, and scheduled day that the contractor has informed or agreed with the participating residents to collect recyclables and solid waste materials.

“Solid waste” has the meaning specified in s. 289.01(33), Wis. Stats.

“Solid waste facility” has the meaning specified in s. 289.01(35), Wis. Stats.

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

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

“Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

8.50.100 Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

(a) Lead acid batteries

(b) Major appliances

(c) Waste oil

(d) Yard waste

(e) Aluminum containers

(f) Bi-metal containers

(g) Corrugated paper or other container board

(h) Foam polystyrene packaging

(i) Glass containers

(j) Magazines

(k) Newspaper

(l) Office paper

(m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins

(n) Steel containers

(o) Waste tires

(p) The town reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by its contractors. The town shall provide notice to its residents of this declaration.

8.50.110 Separation requirements exempted.

The separation requirements of 8.20.100 do not apply to the following:

(a) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 8.20.100 from solid waste in as pure a form as is technically feasible.

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

(c) A recyclable material specified in in 8.20.100 (e) through (o) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.

8.50.120 Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with 8.20.100 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather. The contractor shall be entitled to refuse to accept recyclables that are contaminated or otherwise in a condition that makes recycling infeasible.

8.50.130 Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(a) Lead acid batteries shall be placed at the roadside separated from solid waste for collection by the town's solid waste contractor. Car, truck, and other automotive batteries only will be collected. Battery casing must be unbroken.

(b) Major appliances shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor except that a microwave oven may be disposed of with solid waste if the capacitor has been removed. Appliances shall be upright and empty. Freezers and refrigerators must have doors removed. Town residents must contact the town's solid waste contractor to arrange for collection of all appliances.

(c) Waste oil shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor. Common engine oil must be in leakproof nonbreakable containers of a maximum size of one gallon.

(d) Yard waste shall be composted by the homeowner via backyard composting or other methods available to the homeowner.

8.50.140 Preparation and collection of recyclable materials.

(a) Each residential unit in the town shall be provided with at least one authorized recycling collection container per unit. All recyclable materials shall be prepared as directed in this section. Such container for recyclables shall be placed within five feet of the roadside prior to 6:00 a.m. on the designated day of pickup in an area of easy accessibility for collection in the same manner and at the same time as regular garbage collection occurs. All nonrecyclable materials must be contained in an approved container. Recyclables that have been scattered by wind, animals, or vandals shall be the responsibility of the residents.

(b) Commercial establishments will be required to contract separately, at their own expense, for the proper handling of recyclables.

(c) Except as otherwise directed by the town board, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified:

(1) Aluminum containers shall be rinsed and placed in the recycling container provided for collection. No aluminum foil, TV dinner trays, etc., will be collected. Aluminum beverage cans only.

(2) Bi-metal containers shall be rinsed and have labels removed and shall be placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.

(3) Corrugated paper or other container board shall be flattened and either placed in a separate bin or placed on top of the recycling container for collection.

(4) Foam polystyrene packaging shall be free of debris and placed within the recycling container for collection.

(5) Glass containers shall be rinsed, all metal and plastic caps and rings shall be removed, and the containers shall be placed in the recycling container for collection.

(6) Magazines shall be placed within the recycling container for collection.

(7) Newspaper shall be secured in paper grocery bags and placed within the recycling container for collection.

(8) Office paper shall be placed inside paper grocery bags and placed along or within the recycling container for collection.

(9) Plastic containers made of PETE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to have space within the recycling container.

(10) Plastic containers made of HDPE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to save space within the recycling container.

(11) Plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins shall be rinsed and placed within the recycling container for collection. Containers may be flattened to save space within the recycling container.

(12) Steel containers shall be rinsed, labels removed and placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.

(13) Call the contractor to arrange for pickup of waste tires. Waste tires shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor. Car, truck, and other tires not exceeding four feet in diameter or 80 pounds in weight will be collected. Larger tires must be cut to allowable size.

(14) Other products which the town board may designate from time to time shall be placed as directed by the town board.

8.50.150 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 the materials specified:

1. Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
    i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
    ii. The ratio of trash container volume to recycling container volume is at most 2:1.
    iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
4. Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

(b) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 8.20.100(e) through (o) from solid waste in as pure a form as is technically feasible.

8.50.160 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 the materials specified in 8.20.100(e) through (o):

(1) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.

(2) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.

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

(4) Notify users, tenants and occupants which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.

(b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the State Department of Natural Resources that recovers for recycling the materials specified from solid waste in as pure a form as is technically feasible.

8.50.170 Establish fees.

The town shall establish fees for service recipients for the payment of collection services for solid waste and recyclables. Fees shall be assessed on a per household basis and be charged as a line item on taxes pursuant to Wis. Stats. Section 66.60(16), on a yearly basis.

8.50.190 Promulgation of regulations.

The town board shall prepare regulations, standards, and schedules as necessary to make effective all provisions of this chapter. Periodically, the town board shall have notices prepared and shall distribute other information to persons and entities generating waste within the town for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling chapter.

8.50.200 Prohibitions on disposal of recyclable materials separated for recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

8.50.210 Recyclables from outside of the town.

No person shall bring recyclables or refuse from outside the town limits into the town limits for disposal by the town, its collector, or a private hauler unless specifically authorized by agreement with the town.

8.50.220 Anti-scavenging provision.

Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection. All recyclable materials placed for collection pursuant to this chapter shall thereupon become the property of the town, or the town's authorized agent, or a private collector/hauler with whom persons in the town have contracted to perform functions pursuant to the recycling plan provided in this chapter. Only persons authorized by the town or the generator of waste shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided in this chapter.

8.50.240 Enforcement.

(a) For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the town or contractor 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 officer, employee or authorized representative of the town or contractor 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 chapter may be issued a citation by the town chairman. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection. In the event a person other than the town chairman is designated to implement specific components of the recycling program, then that person shall have authority to issue citations under this section.

(c) Penalties for violation of this chapter may be assessed as follows:

(1) Any person who violates 8.20.200 may be required to forfeit $50 for a first violation, $1,200 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 chapter, except 8.20.200, may be required to forfeit not less than $10 nor more than $1,000 for each violation.

(3) Each incident of violation shall be a separate offense and each day or part thereof during which a violation occurs shall be deemed a separate offense.

Chapter 8.60
PUBLIC NUISANCES

Sections:

Article I. Public Nuisances

8.60.010 Purpose and intent.
8.60.020 Abrogation and greater restrictions.
8.60.030 Interpretation.
8.60.040 Public nuisances prohibited.
8.60.050 Definitions.
8.60.060 Public nuisances affecting health.
8.60.070 Public nuisances affecting peace and safety.
8.60.080 Junked and abandoned vehicles.
8.60.090 Abatement of public nuisances.
8.60.100 Violation – Penalty.

Article II. Noxious Weeds

8.60.110 Statutory authority.
8.60.120 Noxious weeds defined.
8.60.130 Destruction of noxious weeds required.
8.60.140 Notice of abatement by town – Costs.

Article I. Public Nuisances

8.60.010 Purpose and intent.

The purpose of this article is to promote the health, safety, and general welfare of the town, and it is the general intent of this article to identify and control public nuisances within the town. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-1.]

8.60.020 Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this article imposes greater restrictions, the provisions of this article shall govern. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-2.]

8.60.030 Interpretation.

In its interpretation and application, the provisions of this article shall be liberally construed in favor of the town and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes except as expressly set forth herein. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-3.]

8.60.040 Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the town of Richmond. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-4.]

8.60.050 Definitions.

“Accumulation of litter, rubbish, or debris” shall mean accumulating or allowing the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, pallets, metal scraps, machine parts, discarded or nonfunctioning appliances, accessories, furniture, or other material which presents a blighted appearance on the affected property.

“Adulterated food” shall mean all decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

“Breeding places for vermin” shall mean accumulations of decayed or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or vermin breed.

“Dilapidated buildings” shall mean all buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

“Disassembled, inoperable, junked or wrecked motor vehicles” shall mean motor vehicles or parts thereof incapable of propulsion or being operated upon the public streets or highways.

“Exposed pits, wells, excavations and unused basements” shall mean all open or underground pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

“Illegal buildings” shall mean all buildings erected, repaired or altered within the town in violation of the provisions of RMC Title 15 relating to materials and manner of construction of buildings and structures within the town.

“Low-hanging wires over streets” shall mean all wires over streets, alleys, or public and private grounds which are strung less than 15 feet above the surface thereof.

“Motor vehicle” shall mean a motor vehicle as that term is defined in Wis. Stats. Section 340.01(35) as that subsection exists on the date of enactment of the ordinance codified in this article.

“Nonfunctioning appliance” shall mean any stove, washer, dryer or refrigerator which is no longer operable in the manner for which it was manufactured, and which is stored outside of an enclosed structure.

“Noxious odors” shall mean any use of property, substances or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons.

“Noxious weeds” shall mean all weeds defined as noxious weeds under Wisconsin law or under Article II of this chapter.

“Obstructing tree limbs” shall mean all limbs of trees which project over any public sidewalk, street, or other public place and present a safety hazard.

“Obstruction of intersections” shall mean the placement of trees, hedges, billboards or other obstructions which prevent persons driving vehicles in public streets, alleys or highways from obtaining a clear view of the road signs or traffic when approaching an intersection or pedestrian crosswalk, including, but not limited to, any such obstruction which falls within a vision clearance triangle extending 25 feet horizontally along a street line from an intersection and within a vertical clearance of six feet.

“Pollution” shall mean any use of property which causes any nauseous or unwholesome liquid, chemical waste or substance to flow into or upon any street, gutter, alley, sidewalk, body of water, or public place within the town.

“Public nuisance” shall mean any thing, act, occupation, condition, or use of property which shall continue for such length of time as to:

(1) Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;

(2) Render the public insecure in life or use of property;

(3) Unlawfully or substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

“Recreational vehicle” shall mean a vehicle or piece of equipment that can be towed, hauled, carried or driven, that is designed to be transported on a highway and used as a temporary living accommodation for recreational camping travel use, including, but not limited to, travel trailers, truck campers, tent trailers, and self-propelled motor homes.

“Stagnant water” shall mean all stagnant water in which flies, mosquitoes, or disease-carrying insects may breed.

“Unauthorized use of property abutting a public way” shall mean any authorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes people to gather so as to obstruct traffic and free use of the street or sidewalk.

“Unburied carcasses” shall mean carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

“Unlawful obstructions and excavations of streets” shall mean all obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as otherwise permitted by the town of Richmond, Walworth County or state of Wisconsin or which, although made in accordance with an otherwise lawful permit, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.

“Unlawful use of fireworks” shall mean all use or display of fireworks except as permitted by the laws of the state of Wisconsin and the RMC.

“Unlawful use of flammable liquids” shall mean repeated or continuous violations of the ordinances or laws relating to the storage of flammable liquids.

“Unlicensed,” when used in relation to motor vehicles, truck bodies, tractors or trailers, shall mean motor vehicles, truck bodies, tractors, or trailers which do not bear lawful license plates.

“Unsecured abandoned wells” shall mean all abandoned wells not securely covered and secured from public use. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-5.]

8.60.060 Public nuisances affecting health.

The following acts, omissions, places, things and conditions are hereby specifically declared to be public nuisances affecting health, but such enumeration is not to be construed to exclude other health-related nuisances within the definition of public nuisances as defined under this article:

(a) Adulterated food.

(b) Breeding places for vermin.

(c) Pollution.

(d) Stagnant water.

(e) Unburied carcasses. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-6.]

8.60.070 Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting peace and safety within the definition of public nuisances as defined under this article:

(a) Accumulation of litter, rubbish, or debris.

(b) Noxious weeds.

(c) Dilapidated buildings.

(d) Obstructing tree limbs.

(e) Disassembled, inoperable, junked or wrecked motor vehicles.

(f) Obstruction of intersections.

(g) Unauthorized use of property abutting a public way.

(h) Exposed pits, wells, excavations and unused basements.

(i) Unlawful obstructions and excavation of streets.

(j) Illegal buildings.

(k) Low-hanging wires over streets.

(l) Unlawful use of fireworks.

(m) Nonfunctioning appliances.

(n) Unlawful use of flammable liquids.

(o) Noxious odors.

(p) Unsecured abandoned wells. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-7.]

8.60.080 Junked and abandoned vehicles.

(a) Junked Vehicles and Related Items. No more than one disassembled, inoperable, unlicensed, junked, or wrecked motor vehicle, truck body, tractor, trailer, recreational vehicle, or appliance shall be placed outside of an enclosed building upon any single parcel of public or private property within the town for a period exceeding five days if upon public property, or for a period exceeding 30 days if upon private property unless otherwise expressly permitted under applicable zoning laws. Any such vehicle shall be deemed a public nuisance.

(b) Abandoned Vehicles. No person shall permit an unattended motor vehicle, trailer, semi-trailer or mobile home to be parked on any public street, highway, alley or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear abandoned. Any such unattended vehicle shall be deemed a public nuisance. When any such vehicle has been left unattended on any street or highway or on any public or private property within the town without the permission of the owner of the property for a period of more than 72 hours, the vehicle shall be deemed abandoned and shall be deemed to constitute a public nuisance. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-8.]

8.60.090 Abatement of public nuisances.

(a) Inspection of Premises. Whenever the town chairperson receives a complaint that a specific nuisance exists within the town, he or she shall promptly notify the town board, who shall forthwith cause the offending premises to be inspected and, whenever practical, shall have photographs and/or recordings of the nuisance made and filed in the office of the town clerk.

(b) Summary Abatement.

(1) Notice to the Owner. If the town board or building inspector determine that a public nuisance exists and that there is great and immediate danger to the public health, safety, or peace, the town chairperson may serve or direct the town attorney to serve notice on the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within a time period to be determined. Said notice shall state that, unless such nuisance is so abated, the town will cause the same to be abated and will charge the costs thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be, and that the costs of abatement may be assessed against the real estate as a special charge.

(2) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the town board shall cause the abatement or removal of such public nuisance.

(c) Abatement by Court Action. If the town board or building inspector determines that a public nuisance exists but that summary abatement is not necessary, a written report of the findings shall be submitted to the town chairperson, who may cause action to abate such nuisance to be commenced in the name of the town in accordance with the Wisconsin Statutes.

(d) Other Methods Not Excluded. Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the town in accordance with the laws of the state of Wisconsin.

(e) Cost of Abatement. In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the town shall be collected as a debt from the owner, occupant or person causing, permitting, or maintaining the nuisance, and if notice to abate

the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge provided the person assessed has first been given notice of the amount of the debt and an opportunity to appear before the town board to contest the special assessment of the debt. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-9.]

8.60.100 Violation – Penalty.

(a) First Offense – Penalty. Any person who shall violate this article shall, upon conviction thereof, forfeit not less than $50.00 nor more than $500.00, together with the cost of prosecution and any applicable assessments, and in default of payment shall be imprisoned in the county jail until said forfeiture, costs and assessment are paid, but not exceeding 90 days. Each day of continued violation shall be considered a separate offense.

(b) Second Offense – Penalty. Any person who shall violate any provision of this article who has previously been convicted of a violation of the same provision shall upon conviction thereof forfeit not less than $100.00 nor more than $1,000 for each such offense, together with the costs of prosecution and any applicable assessments, and in default of payment shall be imprisoned in the county jail until such forfeiture, costs and assessment of prosecution are paid but not to exceed 90 days. Each day of continued violation shall be considered a separate offense.

(c) Assessment to Property Owner. In all cases in which the town board or its representatives take action to abate, remove or stop a public nuisance under this article, including, but not limited to, the removal, impounding and disposal of vehicles and equipment, the sums expended in accomplishing such removal shall be a lien on the real estate from which such nuisance is removed, in the same manner as any tax upon real estate. The town clerk shall certify the description of such property, and the cost of such removal, and the clerk shall include the same in the annual schedule of land subject to special taxation. Payment of costs made a lien hereunder shall be enforced in like manner as a special tax upon real estate levied and collected in the town of Richmond. [Ord. dated 8/31/2011 § 1. Code 2002 § 8-10.]

Article II. Noxious Weeds

8.60.110 Statutory authority.

(a) Wis. Stats. Section 66.96 requires every person to destroy all noxious weeds on all lands which the person owns, occupies or controls.

(b) Wis. Stats. Section 66.96(2) specifically allows the governing body of any municipality to classify weeds as noxious within its boundaries, and thereby require the removal thereof. [Code 2002 § 54-31.]

8.60.120 Noxious weeds defined.

The following are hereby declared to be noxious weeds within the boundaries of the town: Canada Thistle, Perennial Sow Thistle, Bull Thistle, Musk Thistle, Leafy Spurge, Field Bindweed (Creeping Jenny), Yellow Rocket, Wild Hemp (Marijuana), Yellow Mustard, Wild Radish, and Buckhorn Bush. [Code 2002 § 54-32.]

8.60.130 Destruction of noxious weeds required.

All such noxious weeds shall be destroyed as provided in Wis. Stats. Section 66.96. The term “destroy” means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any

or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage. [Code 2002 § 54-33.]

8.60.140 Notice of abatement by town – Costs.

After first giving five days' written notice by mail to the owner or occupant, the weed commissioner is authorized by law to enter lands upon which any noxious weeds are growing and cause them to be destroyed. The costs thereof are chargeable to the tract of land in the next tax roll pursuant to Wis. Stats. Section 66.98. [Code 2002 § 54-34.]

Chapter 8.70
SOLID FUEL-FIRED OUTDOOR HEATING DEVICES

Sections:

8.70.010 Purpose and intent.

8.70.020 Abrogation and greater restrictions.

8.70.030 Interpretation.

8.70.040 Severability.

8.70.050 Definitions.

8.70.060 Regulations for solid fuel-fired outdoor heating devices.

8.70.070 Variance.

8.70.010 Purpose and intent.

The purpose of this chapter is to promote the health, safety, and general welfare of the town, and it is the general intent of this chapter to regulate and restrict the use of solid fuel-fired outdoor heating devices within the town limits of the town of Richmond, Walworth County, Wisconsin. [Ord. dated 9/16/2008 § 1; Ord. 2006-001 § 1.]

8.70.020 Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. [Ord. dated 9/16/2008 § 2; Ord. 2006-001 § 2.]

8.70.030 Interpretation.

In its interpretation and application, the provisions of this chapter shall be liberally construed in favor of the town and shall not be construed to be a limitation or repeal of any other power granted by the statutes. [Ord. dated 9/16/2008 § 3; Ord. 2006-001 § 3.]

8.70.040 Severability.

If any section, clause, provision or other portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in such judgment. [Ord. dated 9/16/2008 § 4; Ord. 2006-001 § 4.]

8.70.050 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:

“Solid fuel-fired outdoor heating device” means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

“Stacks or chimneys” means any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired outdoor heating device, especially that part of such structures extending above a roof. [Ord. dated 9/16/2008 § 6; Ord. 2006-001 § 6.]

8.70.060 Regulations for solid fuel-fired outdoor heating devices.

(a) All solid fuel devices are prohibited in R1, R2, R3, R4, R5, R6, R7, R8, A4, A5, B1, B2, B3, B4, B5, B6, C2, C3, M1, and M2 zoning districts without a variance from the town board. They are allowed only in A1 and A2 zoning districts.

(b) All solid fuel devices installed within the town limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

(c) All outdoor devices shall be installed, operated and maintained in strict conformance with the manufacturer’s instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer’s instructions are stricter than the regulations promulgated hereunder, in which case the manufacturer’s instructions shall apply.

(d) Substantive Requirements. All outdoor devices shall be installed, operated and maintained pursuant to the following conditions:

(1) Fuel. Fuel shall be only natural untreated wood or wood specifically permitted by the manufacturer. The following fuels are strictly prohibited:

(i) The burning of processed wood products and other non-wood products.

(ii) Kerosene.

(iii) Garbage.

(iv) Painted wood or treated wood.

(v) Any other items not specifically allowed by the manufacturer or this provision.

(2) Chimney Heights and Fuel Device Location.

(i) One hundred feet from nearest side or rear property line.

(ii) One hundred feet from any road.

(iii) Twenty-five feet from any structure.

(iv) Install chimney height to manufacturer’s specifications.

(v) Two feet above the highest eave line of any neighboring residence within 100 feet, but not less than 15 feet high.

(vi) Chimney shall be supported to manufacturer’s specifications.

(vii) Chimney shall have a spark arrester (chimney cap).

(e)(1) Existing Outdoor Solid Fuel Heating Devices. All existing units shall immediately comply with all manufacturer’s specifications and subject to subsection (d)(1) of this section, fuel requirements, within 30 days from the effective amendment date of the ordinance codified in this chapter.

(2) Complaints and Action Regarding Existing Outdoor Solid Fuel Heating Devices. Upon the complaint of a town resident about such a device, the town building inspector shall inspect the existing outdoor solid fuel heating device. If the inspector finds such device to be a human

health hazard, or public nuisance as defined by Wisconsin law including Wis. Stats. Chapter 823, the building inspector shall provide written notice via first class U.S. mail to the owner of the parcel that the device shall be either removed, replaced, or modified to meet the requirements of this chapter and remedy the defect causing the public nuisance. If a health hazard is claimed, the building inspector is directed not to act until there is a report provided from a doctor indicating the cause of the problem is the existing outdoor solid fuel heating device. The letter from the building inspector to the owner shall state that the action to be taken (remove, replace, or modify) be completed within 20 days. The building inspector shall notify the complainant of the action taken. If the owner does not remedy the situation, or the complainant desires, the matter shall be referred to the town board for determination if the matter should be referred for prosecution.

(f) Permits.

(1) No person shall allow, maintain or use a new outdoor wood furnace in the town of Richmond without first having obtained a permit from the town board on the forms prescribed by the board. Permit fee per schedule.

(2) Violations. A permit may be suspended in the event the owner fails to comply with this chapter.

(g) Enforcement and Penalties.

(1) The Walworth County sheriff's department, town of Whitewater and/or village and town of Darien fire department(s), town of Richmond building inspector, and the town of Richmond board of supervisors are authorized to enforce the provisions of this chapter.

(2) The penalty for violation of any portion of this chapter shall be a forfeiture of not less than $25.00 or more than $100.00 per day plus the cost of prosecution, including the cost of prosecution of the nuisance abatement. Penalties are doubled for second and subsequent offenses.

(3) Outdoor wood burning furnace permits may be revoked by the building inspector if the building inspector finds that burning has been conducted in violation of this chapter.

(4) A violation of this chapter is hereby declared to be a public nuisance which may be enforced through injunction or abatement proceedings or other applicable remedies as allowed by law, which shall be in addition to such other penalties and remedies as may apply. [Ord. dated 9/16/2008 § 7; Ord. 2006-001 § 7.]

8.70.070 Variance.

Where the town finds that extraordinary hardship will occur from the enforcement of this chapter, upon application to the town board, said town board may vary the regulations contained herein to afford substantial justice; provided, that such variation will not have the effect of nullifying the intent and purpose of this chapter. [Ord. dated 9/16/2008 § 8; Ord. 2006-001 § 8.]

Chapter 8.80
CENTER PIVOT MANURE DISTRIBUTION SYSTEMS

Sections:

8.80.010 Purpose and intent.

8.80.020 Abrogation and greater restrictions.

8.80.030 Interpretation.

8.80.040 Definition.

8.80.050 License required.

8.80.060 Application.

8.80.070 Public hearing.

8.80.080 Standards and conditions.

8.80.090 Lien on real estate.

8.80.100 Enforcement.

8.80.010 Purpose and intent.

The purpose of this chapter is to promote the health, safety and general welfare of the town, and it is the general intent of this chapter to regulate the use of center pivot manure distribution systems within the town of Richmond, Walworth County. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-1.]

8.80.020 Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, when this chapter imposes greater restrictions, the provisions of this chapter shall govern. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-2.]

8.80.030 Interpretation.

In its interpretation and application, the provisions of this chapter shall be liberally construed in favor of the town and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes except as expressly set forth herein. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-3.]

8.80.040 Definition.

“Center pivot manure distribution system,” as used in this chapter, means a system for spreading manure or manure by-products which involves spraying or otherwise distributing the manure or by-product in liquid form through spray or drop nozzles attached to a pivoting arm located in a farm field. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-4.]

8.80.050 License required.

No person or entity shall operate a center pivot manure distribution system in the town of Richmond unless such person or entity shall first obtain a license for such operation from the town board. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-5.]

8.80.060 Application.

Any person or entity desiring or intending to operate a center pivot manure distribution system in the town of Richmond shall, before operating the same, apply to the town board for a license for such operation. Said license shall include, at a minimum, the following:

(a) The name and address of the applicant;

(b) The name and address of the owner of the property upon which said system is intended to be operated;

(c) The dates or range of dates when such operation is intended to occur;

(d) A detailed description of the material intended to be distributed by the system;

(e) The legal description and address of the property upon which the system is to be operated;

(f) The manner in which the volume of material to be distributed by the system is intended to be regulated;

(g) The names and addresses of the owners and residents of all property located within one mile of the property line of any parcel upon which the proposed center pivot manure distribution system is to be operated.

At the time of application, the applicant shall pay to the town clerk an application fee in the amount of $500.00, or such other fee as may be determined by the town board by resolution. In addition to this fee, as a condition for processing the application, the applicant shall be required to bear the expense of any professional services incurred by the town board in reviewing the application, including, but not limited to, technical and environmental experts and legal counsel. The town board may require the applicant to post a deposit for the anticipated cost of such services. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-6.]

8.80.070 Public hearing.

Upon receipt of an application for a license for operation of a center pivot manure distribution system, the town board shall hold a public hearing on such application. Notice of such hearing shall be mailed by the applicant, by certified mail at the applicant's expense, no less than 10 days before the date of the hearing to all property owners and residents of property located within one mile of the property line of any parcel upon which the proposed center pivot manure distribution system is to be operated. The applicant shall provide certified mail receipts to the town clerk for each property owner or resident entitled to notice or, in the alternative, proof of direct service upon the owner or resident. If direct service is used in lieu of certified mail, service shall occur no later than five days before the public hearing. Such notice shall also be published as a Class 2 notice. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-7.]

8.80.080 Standards and conditions.

In addition to holding a public hearing, before issuing a license for operation of a center pivot manure distribution system, the town board shall review the application for such permit. No permit shall be issued unless the board first determines that the proposed operation will not cause undue harm to the health of nearby residents and will not cause noxious odors which are likely to become a nuisance to such residents. The board may impose appropriate conditions upon the proposed operation as necessary to protect such residents and the health, safety and well-being of other persons living and traveling through the town. The violation of any such conditions imposed by the board shall be deemed a violation of this chapter. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-8.]

8.80.090 Lien on real estate.

In all cases in which the town board, or its duly appointed representative, takes action to enforce the provisions of this chapter because of the unlawful operation of a center pivot manure system, the sum expended in accomplishing such enforcement shall become a lien on the property where such system is located, in the same manner as any tax upon real estate. The town clerk shall certify the description of such property, and the costs of such removal, and the clerk shall include the same in the annual schedule of land subject to special taxation. Payment of costs included in a lien hereunder shall be enforced in the same manner as a special tax upon real estate levied and collected in the town of Richmond. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-6 [39-9].]

8.80.100 Enforcement.

Any person who operates or causes the operation of a center pivot manure distribution system without first obtaining a lawful license for such operation under this chapter, or operates or causes the operation of such a system in a manner which violates any conditions imposed by the town board upon any such license shall be deemed in violation of this chapter and the town board may take action to enjoin such violation and/or to impose a fine by initiating an action in Walworth County circuit court. Any person shall, upon conviction of any such violation, forfeit not less than $1,000 nor more than $5,000 for each day the violation continues, together with the costs of prosecution, and, in default of payment, shall be imprisoned in the county jail until such forfeiture is paid, but not to exceed 90 days. [Ord. dated 5/21/2013 § 1. Code 2002 § 39-7 [39-10].]

Title 9
PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.05 Weapons

Chapter 9.05
WEAPONS

Sections:

9.05.010 Firearms.

9.05.010 Firearms.

(a) Notice is hereby given that it shall be unlawful to discharge any firearm from all roads or in any residential subdivision in the town.

(b) Violation of this section shall result in a fine of no less than $300.00 and no more than $700.00 for each offense or a 10-day jail sentence. [Ord. dated 8/19/2014 § 1. Code 2002 § 30-1.]

State law references: Authority, Wis. Stats. § 60.29-18(A).

Title 10
VEHICLES AND TRAFFIC

Chapters:

10.05 State Regulations Adopted
10.10 Administration and Enforcement
10.15 Speed Limits
10.20 Snowmobiles
10.25 All-Terrain Vehicle and Utility Terrain Vehicle Routes and Regulations

Chapter 10.05
STATE REGULATIONS ADOPTED

Sections:

10.05.010 Adoption of state regulations.
10.05.020 Adoption of state bond schedule.

10.05.010 Adoption of state regulations.

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

Wisconsin Statutes	
340.01, 343.01 and 348.01	Words and phrases defined.
341.04	Failure to register vehicle.
341.11(4)	Display of registration certificates.
341.15	Display of registration plates.
341.61	Improper use of registration plates.
341.62	False evidence of registration.
342.05	Certificate of title required.
342.18, 342.19	Transfer of title.
342.31(2)	Report of stolen or abandoned vehicles.

Wisconsin Statutes	
342.33	Sale of taxicabs and public vehicles.
342.34	Destruction of vehicles.
342.35, 342.38(2)	Motor vehicle salvage dealers.
342.40, 342.43(2)	Motor vehicle auction dealers.
343.05	Operator's license required.
343.07	Instruction permits.
343.08	Restricted licenses for minors.
343.10	Occupational license restrictions.
343.12	School bus operators.
343.125(1) and (2)	Chauffeur's licenses.
343.18	License to be carried.
343.22	Change of address or name.
343.35	Surrender of license.
343.37	Surrender of license.
343.43 through 343.47	Unlawful practices relative to licenses.
343.60, 343.61(1) and (4), 343.62(1), 343.71 and 343.72	Driver school regulations.
344.47	Operating vehicle after license suspended.
346.02	Applicability of Wis. Stats. Ch. 346 (Wis. Stats. Section 346.01 et seq.).
346.03	Authorized emergency vehicles.
346.04	Obedience to traffic officers, signs and signals.
346.05 through 346.16	Driving, meeting, overtaking and passing.
346.18 through 346.21	Right-of-way.
346.23 through 346.29	Drivers and pedestrians.

Wisconsin Statutes	
346.31 through 346.35	Turning and stopping and required signals.
346.37 through 346.42	Traffic signs, signals, and markings.
346.44 through 346.48	Required stops.
346.50 through 346.55	Restrictions on stopping and parking.
346.61 through 346.64	Reckless and drunken driving.
346.66 through 346.69, 346.70(1) and 346.72	Accidents and accident reports.
346.77 through 346.81	Bicycles and play vehicles.
346.87	Limitations on backing.
346.88	Obstruction of operator.
346.89	Inattentive driving.
346.90	Following emergency vehicle.
346.91	Crossing fire hose.
346.92	Illegal riding.
346.93	Intoxicants in vehicles carrying minor.
346.94	Miscellaneous prohibited acts.
347.02	Applicability of Wis. Stats. Ch. 347 (Wis. Stats. Section 347.01 et seq.).
347.03	Sale of prohibited equipment.
347.04	Improperly equipped vehicle.
347.06 through 347.29	Lighting equipment.
347.35 through 347.49	Other equipment.
348.02	Applicability of Wis. Stats. Ch. 348 (Wis. Stats. Section 348.01 et seq.).
348.05 through 348.10	Size and load.
348.15 through 348.20	Weight limitations.

Wisconsin Statutes	
348.25 through 348.27	Permits.
941.01(1)	Reckless driving off highways.
946.40	Refusing to aid an officer.
946.41	Resisting officer.
946.42	Escape.

[Code 2002 § 50-1.]

10.05.020 Adoption of state bond schedule.

The town board does hereby adopt the state January 1, 1988, bond schedule for violation of this chapter. [Code 2002 § 50-2.]

Wisconsin Statutes

Chapter 10.10
ADMINISTRATION AND ENFORCEMENT

Sections:

10.10.010 Officer's action after arrest without warrant.

10.10.020 Forfeitures.

10.10.030 Bonds.

10.10.010 Officer's action after arrest without warrant.

If a person is arrested without a warrant for the violation of a traffic regulation, the arresting officer shall issue a citation under Wis. Stats. Section 345.11 and, in addition:

(a) May release the person; or

(b) Shall release the person when he:

(1) Makes a deposit under Wis. Stats. Section 345.26.

(2) Deposits the person's valid state operator's license with the officer. If the license is deposited with the officer, the officer shall issue to the licensee a receipt which shall be valid as a driver's license through the date specified on the receipt, which shall be the same as the court appearance date, and the officer shall, at the earliest possible time prior to the court appearance date, deposit the license with the court.

(3) Presents a guaranteed arrest bond certificate under Wis. Stats. Section 345.61.

(c) Shall, if the alleged violator is not released under subsection (a) or (b) of this section, bring him without unreasonable delay before the municipal judge.

(d) Shall, if the alleged violator is released under subsection (a) or (b) of this section, specify on the citation a return date which may not be more than 90 days after the issue date. [Code 2002 § 50-31.]

10.10.020 Forfeitures.

The law enforcement officer or town police officer or the court shall deliver forfeited penalties to the town treasurer upon order of the county court and within seven days after the court issues the order. [Code 2002 § 50-32.]

10.10.030 Bonds.

Nothing in this chapter shall be construed to limit the right of proper authorities to accept bail bonds, deposits, certificates or money deposits, or permit a person's release from custody on his own bond, as provided in Wis. Stats. Section 66.114. [Code 2002 § 50-33.]

Chapter 10.15
SPEED LIMITS

Sections:

10.15.010 Speed limits.

10.15.010 Speed limits.

Any road, or part thereof, not otherwise marked, shall have a speed limit of 55 miles per hour. The following roads, streets and highways shall have the speed limits indicated:

Road	Speed Limit
Richmond/Whitewater Townline Road	
– Intersection of Chapel Drive to East Lakeshore Drive	25
– East Lakeshore Drive to County Highway P	35
– Engel Road to Kettle Morraine	35
Territorial Road	
– State Highway 89 to County Highway P	45
Krahn Drive (Oak Knoll subdivision)	25
Chapel Drive (Chapel Hills and Oakwood Heights subdivision)	25
Oakwood Drive (Oakwood Heights subdivision at Whitewater Lake)	25
Brown Road	45

Road	Speed Limit
Timber Trail (Timber Trail subdivision)	35
Woodfield Lane (Timber Trail subdivision)	35
Hunters Ridge Drive	25
McCabe Road	55
Lake Drive (Forest Beach subdivision)	25
Kraus Road (between County A and Lake Lorraine Road)	45
Lake Road (along south shore of Lake Lorraine – Skansen's subdivision)	25
Lorraine Road (Skansen's subdivision)	25
Locust Road (Skansen's subdivision)	25
Linnea Road (Skansen's subdivision)	25
Elder Road (Skansen's subdivision)	25
Juniper Road (Skansen's subdivision)	25
Forest Road (Skansen's subdivision)	25
Fir Road (Skansen's subdivision)	25
Larch Road (Skansen's subdivision)	25
Birch Road (Skansen's subdivision)	25
Pine Road (Skansen's subdivision)	25
Svea Road (Skansen's subdivision)	25
Walnut Road (Skansen's subdivision)	25
Spruce Road (Skansen's subdivision)	25
Ridge Road (Skansen's subdivision)	25
Cherry Road (Skansen's subdivision)	25
Hickory Road (Skansen's subdivision)	25
Cedar Road (Skansen's subdivision)	25
Lake access/boat launch – Lake Lorraine (Skansen's subdivision)	10

Road	Speed Limit
Lake Lorraine Road	45
White Oak Court	25
Rowley Road	45
Church Road	35
Walworth Woods Road	25
Town Hall Road	35
Garden Terrace	25
Holiday Drive	25
Wisconsin Parkway (Oak Park subdivision)	25
Anderson Drive (Crystal Bowl subdivision – Turtle Lake)	25
Shorewood Terrace (Crystal Bowl subdivision – Turtle Lake)	25
Harley Drive (Crystal Bowl subdivision – Turtle Lake)	25
Forest Place (Crystal Bowl subdivision – Turtle Lake)	25
Orchard Heights Road (Crystal Bowl subdivision – Turtle Lake)	25
Milwaukee Street (Crystal Bowl subdivision – Turtle Lake)	25
Ethlyn Drive (Crystal Bowl subdivision – Turtle Lake)	25
Kenosha Drive (Crystal Bowl subdivision – Turtle Lake)	25
Racine Drive (Crystal Bowl subdivision – Turtle Lake)	25
Edge Road (Crystal Bowl subdivision – Turtle Lake)	25
Iroquois Trail (shown on map, name not listed – Meadowwood subdivision)	25
Oak Ridge Drive (shown on map, name not listed – Meadowwood subdivision)	25
Taylor Road	55
Turtle Lake Road	55
Kilkenney Road	55
Shadel Road	55

Road	Speed Limit
McFarlane Road	55
Harris Road	55
Island Road	55
Richmond/Delavan/Darien Townline Road	55
Walworth/Rock County Line Road	55
Johnson Road	55
Delaney Road	55
Pinnow Road	55

[Code 2002 § 50-91.]

Chapter 10.20
SNOWMOBILES

Sections:

10.20.010 Applicability and enforcement.

10.20.020 State snowmobile laws adopted.

10.20.030 Operation.

10.20.040 Adoption of state bond schedule.

10.20.050 Violation – Penalty.

10.20.010 Applicability and enforcement.

The provisions of this chapter shall apply to the ice-covered waters of Whitewater Lake, Turtle Lake, Lake Lorraine, and adjoining channels lying within the corporate limits of the towns of Richmond and Whitewater, Walworth County, Wisconsin. The provisions of this chapter shall be enforced by a patrol officer or officers or law enforcement officer duly elected or appointed by the town and the town of Whitewater, both in Walworth County, Wisconsin. [Code 2002 § 50-121.]

10.20.020 State snowmobile laws adopted.

Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the statutes are hereby adopted by reference and made part of this chapter as if fully set forth in this

chapter. Acts required to be performed or prohibited by such statutes are required or prohibited by this chapter.

Wisconsin Statutes	
350.02	Illegal operation of snowmobile on or in the vicinity of highways.
350.03	Failure to yield right-of-way to person not on a snowmobile.
350.07	Driving wild animals with a snowmobile.
350.10(1)	Unreasonable, improper speed.
350.10(5)	Operate snowmobile without muffler on engine.
350.10(6) – (13)	Trespass.
350.101(1)(a)	First offense, operate snowmobile while intoxicated.
350.101(1)(b)	First offense, operate snowmobile with alcohol concentration above 0.1 percent.
350.101(1)(c)	Absolute sobriety for persons under 19.
350.104(5)	First offense, refuse to take intoxicated snowmobile test.
350.12(1)	Operate snowmobile without valid registration.
350.135(1)	Interference with signs and standards.
350.15(2)	Failure to render aid.
350.15(3)	Failure to report snowmobile accident.
350.101(1)(a)	Operate snowmobile while intoxicated. (Second offense within five years and five days to six months.) (Third or more offenses within five years, and 30 days to one year.)
350.101(1)(b)	Operate snowmobile with alcohol concentration above 0.1 percent. (Second offense within five years and five days to six months.) (Third or more offenses within five years, and 30 days to one year.)
350.101(2)	Cause injury by intoxicated operation of snowmobile and/or 30 days to one year.
350.104(5)	Refuse to take test. (Second offense within five years and five days to six months.) (Third or more offenses within five years, and 30 days to one year.)
350.17(2)	Failure to stop for law enforcement officer and/or 30 days to one year.

[Code 2002 § 50-122.]

10.20.030 Operation.

(a) Hours of Operation. No person shall operate a snowmobile upon Whitewater Lake and adjoining channels lying within the town and the town of Whitewater, Walworth County, Wisconsin, after 11:00 p.m., except for the purpose of crossing Whitewater Lake in a generally direct route to their destination on the other side.

(b) Safe Operation Required. No person shall operate, direct or handle a snowmobile in such a manner as to unreasonably annoy, unnecessarily frighten or endanger any person. [Code 2002 § 50-123.]

10.20.040 Adoption of state bond schedule.

The town board does hereby adopt the state January 1, 1988, bond schedule for violation of this chapter. [Code 2002 § 50-124.]

10.20.050 Violation – Penalty.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than $10.00 nor more than $20.00 together with the costs of prosecution for the first offense and not less than $25.00 nor more than $50.00 together with the costs of prosecution for the second offense within a year. [Code 2002 § 50-125.]

Chapter 10.25
ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE ROUTES AND REGULATIONS

Sections:

10.25.010 Purpose.

10.25.020 Authority and conditions.

10.25.030 Routes.

10.25.040 Operation of ATVs/UTVs.

10.25.050 Enforcement.

10.25.060 Penalties.

10.25.070 Severability.

10.25.010 Purpose.

The purpose of this chapter is to establish routes and regulations to provide for the safe operation of all-terrain vehicles (“ATVs”) and utility-terrain vehicles (“UTVs”) upon designated roadways within the town. [Ord. dated 4/18/2023; Ord. dated 8/16/2022 § 1.]

10.25.020 Authority and conditions.

The town board of the town of Richmond, Walworth County, Wisconsin, has the specific authority to adopt this chapter under Wis. Stats. Sections 23.33(8)(b) and (11). The town board retains the right to close any town road to ATV/UTV operation for any reason, including but not limited to special events, unlawful use, and road construction or repair. Said closures of town roads to ATV/UTV use may occur without prior notice. The town accepts no liability for the

operation of ATVs/UTVs on any town road under the provisions of this chapter. Operation of ATVs/UTVs shall be at the operator's own risk. ATV/UTV operators within the town shall abide by all state, county, and local laws, and the applicable provisions of Wis. Stats. Section 23.33 regulating ATV/UTV operations are adopted by reference and made part of this chapter. [Ord. dated 4/18/2023; Ord. dated 8/16/2022 § 1.]

10.25.030 Routes.

The town designates all roadways within the town's jurisdiction, and any county highway within the town's boundaries, as ATV/UTV routes except the following roadways:

(a) ATVs/UTVs are strictly prohibited from operating on all state highways in the town, unless otherwise authorized by the state of Wisconsin. ATVs/UTVs may cross state highways as necessary to travel through the town.

(b) All authorized ATV/UTV routes shall be signed in accordance with Wis. Stats. Section 23.33(8)(e). The town, or its designee, shall maintain all route signs within the town. Any restrictions on authorized routes shall be designated by a majority vote of the town board and shall be signed accordingly.

10.25.040 Operation of ATVs/UTVs.

All ATV/UTV operators on town routes must comply with the following conditions of operation:

(a) ATV/UTV operators shall observe all posted speed limits as indicated by official signs posted within the town.

(b) ATV/UTV operators shall ride single file along the extreme right side of the roadway with the exception of left turns, which may be made from any part of the roadway that is safe given then occurring conditions.

(c) ATV/UTV operators are prohibited from riding on the shoulder of the road or in the ditch.

(d) ATV/UTV operators born after December 31, 1987, must have a valid ATV safety certificate, be at least 16 years of age, and have a valid Wisconsin driver's license.

(e) ATV/UTV riders (not operators) under the age of 16 must be accompanied by an adult over the age of 18.

(f) ATV/UTV operators and riders under the age of 18 must wear a helmet.

(g) ATVs/UTVs may not be operated on any town route between the hours of 10:00 p.m. and 5:00 a.m. unless they are engaged in snow plowing.

(h) ATVs/UTVs shall have headlights, taillights, and brake lights on while operating on any town route and must operate with a muffler that falls within the legal decibel limits.

(i) ATV/UTV operators shall use hand signals if their machine is not equipped with turn signals.

(j) ATVs/UTVs shall be registered with the Wisconsin Department of Natural Resources and have up-to-date stickers and license plates.

(k) ATVs/UTVs shall be insured and have minimum liability coverage amounts consistent with motor vehicle requirements under Wisconsin law. All operators must have proof of insurance when operating on town routes. [Ord. dated 4/18/2023; Ord. dated 8/16/2022 § 1.]

10.25.050 Enforcement.

This chapter may be enforced by any law enforcement officer authorized to enforce the ordinances of the town of Richmond, laws of Walworth County, and state of Wisconsin. Consistent with Wis. Stats. Section 23.33(11)(b), the town clerk shall immediately send a copy

of the ordinance codified in this chapter to the Department of Natural Resources, the Wisconsin State Highway Patrol, and the Walworth County sheriff's department. [Ord. dated 4/18/2023; Ord. dated 8/16/2022 § 1.]

10.25.060 Penalties.

Wisconsin ATV/UTV penalties as found in Wis. Stats. Section 23.33(13)(a) are adopted by reference. [Ord. dated 4/18/2023; Ord. dated 8/16/2022 § 1.]

10.25.070 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. [Ord. dated 4/18/2023; Ord. dated 8/16/2022 § 1.]

Title 12
STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.05 Street and Sidewalk Construction and Alteration

12.10 Excavations

12.15 Building Numbering

12.20 Community Parks

Chapter 12.05
STREET AND SIDEWALK CONSTRUCTION AND ALTERATION

Sections:

12.05.010 Purpose and intent.

12.05.020 Abrogation and greater restrictions.

12.05.030 Interpretation.

12.05.040 Severability.

12.05.050 Definitions.

12.05.060 Application.

12.05.070 Standards.

12.05.080 Final inspection.

12.05.090 Performance bonds.

12.05.100 Driveway construction.

12.05.110 Violation – Penalty.

12.05.010 Purpose and intent.

The purpose of this chapter is to promote the health, safety, and general welfare of the town, and it is the general intent of this chapter to regulate and restrict the construction, reconstruction, alteration and upgrading of roads prior to acceptance by the town board; to enhance the general safety of the roads and promote efficiency; to lessen congestion; to facilitate proper drainage; to promote sound road construction standards and to provide for the administration and enforcement of this chapter, including provision for penalties for its violation. [Ord. dated 8/9/2005. Code 2002 § 42-1.]

12.05.020 Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. [Ord. dated 8/9/2005. Code 2002 § 42-2.]

12.05.030 Interpretation.

In its interpretation and application, the provisions of this chapter shall be liberally construed in favor of the town and shall not be construed to be a limitation or repeal of any other power granted by the statutes. [Ord. dated 8/9/2005. Code 2002 § 42-3.]

12.05.040 Severability.

If any section, clause, provision or other portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water, not specifically included in such judgment. [Ord. dated 8/9/2005. Code 2002 § 42-4.]

12.05.050 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:

“Approach” means that portion of road extending 100 feet on each side of a culvert or bridge.

“Base course” means the layer or layers of specified or selected material of designated thickness placed on a subbase or subgrade to support a surface course.

“Cul-de-sac” means a road or way with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

“Drainage” means to make gradually dry, by trenches, channels, ditches and tiles or other means.

“Driveway” means an approach suitable for vehicles or agricultural equipment over a lot from a public road.

“Gradient” means the rate of rise or fall of the surface of the roadway measured along the centerline expressed as a percentage. Thus a grade will rise or fall one foot in 100 feet. The slope of a road or other public way, specified in percent.

“Highway” means a road or way over which the public generally has the right to pass.

“Private right-of-way” means a general term denoting land, in a strip, acquired for or devoted to a private road 50 feet in width.

“Private road” means a road serving more than one lot that will be owned and maintained by the lot owners or a homeowners’ organization and will not be maintained by the town. It may be paved or unpaved.

“Right-of-way” means a general term denoting land, in a strip, acquired for or devoted to a town road 66 feet in width.

“Roadbed” means the graded portion of a road within top and side slopes, prepared as a foundation for the pavement structure and shoulders.

“Roadway” means that portion of a road within limits of construction.

“Roadway width” means the portion of a road, including shoulders, for vehicular use.

“Subbase” means the layer or layers of specified or selected material of designated thickness placed on a subgrade to support a base course.

“Subgrade” means the top surface of a roadbed upon which the pavement structure and shoulders are constructed.

“Surface course” means the final course of material put down over which traffic passes, exclusive of shoulders.

“Surface width” means the portion of the roadway exclusive of shoulders for the movement of vehicles.

“Town road” means a road or way over which the public generally has the right to pass, over which the town board has the direct authority and supervision. [Ord. dated 8/9/2005. Code 2002 § 42-6.]

12.05.060 Application.

Individual or corporate owners of land wishing to create or alter a town road shall make application, in writing, to the town board of supervisors, and shall submit to the board of supervisors a detailed drawing indicating exact location and description of the proposed town road. Upon receipt of application and drawing, the town board will proceed to examine all aspects of the proposed town road or alterations applied for, and if approved by the town board, the individual or corporate land owner shall be given the permit or a conditional permit to proceed under the supervision of the town board. [Ord. dated 8/9/2005. Code 2002 § 42-7.]

12.05.070 Standards.

The following are minimum standards for proposed construction or alteration of town roads and private roads constructed in the town:

(a) Public Road Standard Specifications. Standard Specifications for Public Road and Bridge Construction, as published by the State Department of Transportation, shall apply to all town roads, except where specifically modified by this chapter. Rights-of-way shall be 66 feet in width.

(b) Private Road Specifications. The specification for private road is the same as the public road preparation and base course as stated below except that, in the case of a private road, the base course shall consist of sufficient compacted road gravel, not 10 inches as required for public town roads. A private right-of-way shall be 50 feet in width with a paved or unpaved surface of not less than 20 feet in width, and a clearance for emergency equipment of 14 feet in height above the entire paved or unpaved surface at all times. The legal description for all lots sold that

border private roads shall indicate, “This lot is on a private road that will not be accepted as a town road.”

(c) Public Roadway Preparation. After clearing, all areas of soft, yielding, or spongy subgrade shall be excavated and backfilled with suitable pit run gravel, or similar material, so as to ensure a stable foundation. The foundation (earth subgrade, subbase course or base course, as the case may be) shall be so prepared and constructed that it will have, as nearly as practicable, uniform density throughout. Topsoil shall be removed.

(d) Gradient. The minimum grade of any town road or private road shall not be less than one-half of one percent, nor in excess of 10 percent, except as otherwise approved by the town board.

(e) Drainage. The town roadway and/or private road must be complete with proper drainage provisions to provide for adequate removal of water. When it becomes necessary to make a lateral trench in a public road, leading from the main drainage course, then the additional land necessary for the removal of accumulated water must be provided and deeded to the town, along with the necessary land for the right-of-way. The additional land so conveyed to the town for drainage purposes will be under the supervision of the town board at all times. Erosion controls shall be provided and the town board may require additional measures to be taken when it is deemed necessary.

(f) Base Course. The base course shall consist of no less than 10 inches of compacted road gravel and shall be no less than 28 feet wide. The base course shall be applied in two courses of a minimum of six inches and four inches of compacted gravel, or bank run stone, meeting at a minimum state specification gradation No. 2.

(g) Surface Course. The surface course shall be of bituminous blacktop or other suitable material, not less than three inches thick and not less than 22 feet wide. The surface course shall be applied in two courses of a minimum of one and three-fourths inches binder grade and one and one-fourth inches course grade No. 3. No surface course shall be applied for one year after completion of the base course without special written approval from the town board.

(h) Shoulders. Town road shoulders shall be a minimum of three feet wide and finished flush with the surface course, using state specification shoulder gravel. Private road shoulders may be unpaved but shall be not less than three feet in width.

(i) Culverts. Culverts necessary for proper drainage shall be installed after elevation and location are obtained from the town board. The minimum length of any culvert installed in any roadbed shall be 40 feet in length; however, the diameter and length of such culvert shall be subject to approval of the town board, after the amount of flowage is determined. Secondary culverts installed in any lateral trenches will be of a size and length determined by the town board. The town board may require end sections upon all culverts, and any additional erosion controls deemed necessary by the town board.

(j) Official Cross Section of a Town Road. All roads shall be in compliance with the requirements as set forth on the typical cross section in addition to any that may be required by the sections of this chapter.

(k) Intersections. Intersections shall be as near as possible at a right angle, and all proposed town roads that intersect an existing town road shall be so located that there is a minimum of 600 feet of sight distance along the existing town road, at each direction from the intersection unless otherwise approved by the town board.

(l) Erosion Control. The project engineer, surveyor, contractor, individual or corporate owner shall show in the road plans all erosion control measures, including provision for the installation

or construction of temporary retention ponds, diversions or other means to ensure the control of erosion, both during and after construction. All such erosion control measures shown shall be approved by the town board and the town board may require additional control measures when deemed necessary.

(m) Road Plan. The individual or corporate owner shall cause to be submitted to the town board a set of road plans, indicating a typical cross section, existing centerline grade, proposed centerline grade and a plan of the proposed road.

(n) Curves. The minimum centerline radius for any curve shall be not less than 100 feet on a town road.

(o) Cul-de-Sac. A cul-de-sac shall have a minimum right-of-way radius of 60 feet and minimum surface course radius of 40 feet when part of a town road.

(p) Ditches. All ditches shall be covered with a minimum of four inches of salvaged topsoil to attain final grade and shall be either seeded or sodded to assure the prevention of erosion after construction. Additional erosion control measures may be required by the town board on a town road.

(q) Flooding. No proposed town road which shall be subject to flooding or inundation shall be approved. [Ord. dated 8/9/2005. Code 2002 § 42-8.]

12.05.080 Final inspection.

Upon completion of a proposed town road, the town board of supervisors or their designate will proceed to make a final inspection, accepting or rejecting the road as the case may be. If the road is rejected, then corrections must be made as recommended by the town board before final inspection can be made again. If final acceptance is made, the owner will convey to the town board, by deed, all land necessary for the roads in accordance with the provisions of this chapter. [Ord. dated 8/9/2005. Code 2002 § 42-9.]

12.05.090 Performance bonds.

The town board may require a deposit of cash equal to the total cost of the project, as determined by the town engineer or an engineer designated by the town board. As an alternative to the deposit of cash, the owner may, in lieu thereof, submit a performance bond, in the penal sum of twice the engineer's estimate, and shall make payment to the town upon demand, as construction progresses. [Ord. dated 8/9/2005. Code 2002 § 42-10.]

Chapter 12.10
EXCAVATIONS

Sections:

12.10.010 Permit required.

12.10.020 Permit applications.

12.10.030 Issuance of permit.

12.10.040 Manner of performing excavation.

12.10.050 Restoring surface.

12.10.060 Warning devices, cleanup, timely completion of project.

12.10.070 Violation – Penalty.

12.10.010 Permit required.

It shall be unlawful for any person, firm, utility or corporation to tunnel under or to make any excavation in any road in the town without having obtained a permit as is required in this chapter, or without complying with the provisions of this chapter or in violation of or variance from the terms of any such permit. This includes utility construction, county section line markers, drain tile installation, cable television or any other work that would necessitate cutting through town roads. [Code 2002 § 42-31.]

12.10.020 Permit applications.

Applications for excavation permits shall be made to the clerk at least 15 days prior to anticipated commencement of any work subject to this chapter, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm, utility or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Certification of adequate liability insurance is required. The 15-day requirement may be waived by the town board in case of emergency or special need. [Code 2002 § 42-32.]

12.10.030 Issuance of permit.

The permit under this chapter shall be issued by the town clerk after approval has been given to the application by the town board. The town board may impose conditions and special requirements as a part of the permit as provided in this chapter. [Code 2002 § 42-33.]

12.10.040 Manner of performing excavation.

Proper bracing shall be maintained to prevent the collapse of adjoining ground, and in excavating, the excavations shall not have anywhere below the surface any portion which extends beyond the opening at the surface. The hotline must be called to check utility lines. [Code 2002 § 42-34.]

12.10.050 Restoring surface.

Any person, firm, utility or corporation making any excavation or tunnel in or under any road shall restore the surface to its original condition and be liable for upkeep for a period of three years. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a road shall be repaired and the surface re-laid by the applicant. [Code 2002 § 42-35.]

12.10.060 Warning devices, cleanup, timely completion of project.

(a) It shall be the duty of the person cutting or making excavation in town roads to place and maintain proper warning devices for the safety of the general public during the excavation.

(b) The cleanup of all rubbish and other debris resulting from such is the duty of the permit holder. Excess soil and rock shall be properly disposed of by the applicant.

(c) Prompt completion of work after an excavation is commenced is required. The permittee shall prosecute with diligence and expedite all excavation work covered by permit and promptly complete such work and restore the road to its original condition, so as not to obstruct travel therein. [Code 2002 § 42-36.]

12.10.070 Violation – Penalty.

Any person, firm, utility or corporation violating any of the provisions of this chapter or permit shall be fined not less than $25.00 nor more than $250.00 for each offense. Any work done by

the town in restoring a road to original condition during the three-year period will be charged to the permittee. The town board may institute appropriate action or proceedings to enjoin violations of this chapter in addition to any other penalties stated in this chapter. [Code 2002 § 42-37.]

Chapter 12.15
BUILDING NUMBERING

Sections:

12.15.010 *Repealed.*

12.15.020 *Repealed.*

12.15.030 *Repealed.*

12.15.040 Maintenance.

12.15.050 Administration.

12.15.060 *Repealed.*

12.15.070 Effective date.

12.15.010 Uniform numbering system adopted.

Repealed by ord. dated 5/21/2013-2. [Ord. 48, 2003. Code 2002 § 10-161.]

12.15.020 Assignment of numbers.

Repealed by ord. dated 5/21/2013-2. [Ord. 48, 2003. Code 2002 § 10-163.]

12.15.030 Installation/placement.

Repealed by ord. dated 5/21/2013-2. [Ord. 48, 2003. Code 2002 § 10-164.]

12.15.040 Maintenance.

(a) Property owners shall maintain the uniform numbers located on their properties in good and visible condition at all times. No property owner may change the placement location of numbers/posts after installation without the express written consent of the building inspector. Maintenance shall include keeping the uniform numbers clear of organic growth, debris, and other impediments to a direct line of sight from the roadway.

(b) The town shall install replacement uniform numbers for property owners, at that property owner's expense, in the event of loss or damage to any numbers. [Ord. 48, 2003. Code 2002 § 10-165.]

12.15.050 Administration.

(a) The town clerk, or an outside firm contracted by the town, shall be responsible for maintaining the numbering system.

(b) The town clerk shall keep a record of all numbers assigned under this chapter.

(c) Upon receipt of number notification from the county land use/planning and zoning department, and payment of the $30.00 charge for materials, the building inspector shall instruct the town maintenance employee to erect the new post and sign at the designated location.

(d) The building inspector shall monitor placement and condition of installed signs and posts, and advise the town maintenance employee, when necessary, to replace damaged signs or correct unacceptable sign locations. [Ord. 48, 2003. Code 2002 § 10-166.]

12.15.060 Violation – Penalty.

Repealed by ord. dated 5/21/2013-2. [Ord. 48, 2003. Code 2002 § 10-162.]

12.15.070 Effective date.

The ordinance codified in this chapter shall take effect upon its passage and publication or posting as provided by law. [Ord. 48, 2003. Code 2002 § 10-167.]

Chapter 12.20
COMMUNITY PARKS

Sections:

12.20.010 Community park designated.

12.20.020 Rules and regulations.

12.20.030 Violation – Penalty.

12.20.010 Community park designated.

The property defined by Lake Lorraine Road on the south, Lorraine Road on the East, Cherry Road on the North and Elder Road on the West shall be named Richmond Community Park and may be used by town property owners and their guests. [Code 2002 § 34-1.]

12.20.020 Rules and regulations.

(a) The following rules and regulations have been set up by the town board for use of the park and must be observed by all persons using the park:

(1) Park hours shall be 8:00 a.m. to 10:00 p.m.

(2) No motorized vehicles will be allowed in the park, winter or summer.

(3) Children under the age of five years must be accompanied by a parent or guardian or person approved by the parent.

(4) Parking shall be in designated areas only.

(b) The rules in this section may be added to or amended at the discretion of the town board. [Code 2002 § 34-2.]

12.20.030 Violation – Penalty.

Any person who violates this chapter shall, upon conviction of each violation, forfeit not less than $5.00 nor more than $500.00 together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed 90 days. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the town from maintaining any appropriate action to prevent or remove a violation of this chapter. In addition, the town may enforce the judgment in the same manner as judgment in an ordinary civil action. [Code 2002 § 34-3.]

Chapter 12.30
DRIVEWAYS AND CULVERTS

Sections:

12.30.10 Title and Purpose

12.30.20 Permit for New or Reconstructed Driveways

12.30.30 Driveway/Culvert Permit

12.30.40 New Driveway Permit Conditions

12.30.50 Existing Driveways

12.30.60 Maintenance and Encroachments

12.30.70 Hardship

12.30.80 Violation

12.30.90 Additional Relief

12.30.100 Culvert Replacement

12.30.110 Conflict

12.30.120 Effective Date

12.30.10 Title and Purpose

This section is entitled “Driveway and Culverts.” The purpose is to provide for the regulation of installation of new or reconstructed driveways and culverts.

12.30.20 Permit for New or Reconstructed Driveways

A. No person shall hereafter lay, install, or reconstruct any driveway or install or reconstruct a culvert in connection therewith in the Town road right-of-way within the Town without first obtaining a permit from the Town. Permits must be obtained before the issuance of any building permit.

B. Reconstruction of a driveway/culvert is defined as rebuilding, resurfacing repaving, replacing, removing old pavement, extensions of culverts to include wing walls, repairing, replacing, culverts, and any type of work/construction that takes place within the Town road right-of-way.

C. Driveway is defined as any vehicular access way to a Town road, whether intended to be temporary or permanent in nature.

12.30.30 Driveway/Culvert Permit

Every such permit application shall describe the public road adjacent to the culvert or driveway or location of the culvert or driveway, the nature of the work being undertaken by the applicant, the applicant’s name and address, the property owner’s name and address, the estimated dates of commencement of work and completion of work, and, in the case of an application for a

temporary driveway, the date by which the driveway shall be removed from the Town road right-of-way.

12.30.40 New Driveway Permit Conditions

A. Placement. The driveway shall be placed as near as possible at a right angle to the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction. Any sight distance of less than 400 feet shall require a variance. A driveway shall not provide direct ingress or egress to or from a road intersection area and shall not occupy areas of the Town road right-of-way deemed necessary by the Town Board for effective traffic control or for highway signs or signals.

B. Specifications for Driveway Construction.

1. Width. No driveway shall exceed 36 feet in width at the road or edge.

2. Interference with Intersections Is Prohibited. At road intersections a driveway shall not provide direct ingress or egress to or from the road intersection area and shall not occupy areas of the roadway deemed necessary by the Road Supervisor or Town Roadman for effective traffic control or for highway signs or signals.

3. Interference with Road. No driveway shall extend out into the road further than the roadway, and under no circumstances shall such driveway apron extend into the surface area. All driveway entrances shall be so constructed that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with any existing structure on the right-of-way. When required by the Road Supervisor or Town Roadman to provide for adequate surface water drainage along the road, the property owner shall provide any necessary culvert pipe at his own expense. At a distance of 12 feet from the adjacent roadway, the finished grade of a driveway shall be four inches below grade of the adjacent roadway, where possible.

4. Number of Access Points Limited. The permittee shall be limited to the access point as designated by the Road Supervisor or Town Roadman after inspection of site and written approval of such site location and limitation of size, construction and maintenance. The driveway shall be near as possible at a right angle to the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction unless otherwise approved by the Road Supervisor or Town Roadman. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway entrances. Side ditches and roadside areas shall be restored in a neat, workmanlike manner. Driveway surface shall connect with the road pavement in a neat, workmanlike manner.

C. Culvert. When required to provide for adequate surface water drainage along the road, the property owner shall provide and maintain any necessary culvert pipe at their own expense. The culvert, if needed, shall be of a type which will withstand the 1 nature and type of traffic to be driven over it. The culvert shall be of such size to facilitate the drainage of water common to that area through said culvert. All excavation for culverts in the Town road right-of-way will be done in a workmanlike manner and said excavation will be completed in such a way as to cause minimal inconvenience to the public.

1. The minimum culvert diameter shall be determined by the Road Supervisor or the Town Roadman.

2. The minimum length for a Residential Driveway shall be 30 feet.

3. The minimum length for an agricultural farm, commercial and industrial driveway shall be 45 Feet.

4. All culvert pipe must be steel corrugated culvert pipe or double wall corrugated culvert pipe. (Plastic drain tile or PVC pipe are not permitted).

5. the culvert pipe. All new or replacement culverts must have steel end walls sized for

D. Elevation. The elevation of the finished driveway surface directly atop the culvert shall be four inches below the elevation of the road edge at the driveway. The width of the driveway at the culvert shall be a minimum of 20 feet. The driveway shall be crowned to direct the runoff water away from the roadway and into the ditch. Any excavation or lawn seeding must slope away from the shoulder of the road for a minimum distance of four feet at a minimum 6:1 grade. The property owner shall make another application to the Town for permission to place asphalt surfacing on the driveway if planned subsequent to the original culvert installation.

E. Concrete, Pavers, and Field Stone Surfaces. Any driveway, new or existing, which is to be constructed with concrete, pavers, or field stone shall terminate at the property side of the culvert, but not closer than 20 feet from the edge of the road.

F. Obstructions. There will be no obstructions in connection with the construction of the driveway or the installation of a culvert to be placed in the right-of-way of any highway or street in the Town at an elevation any higher than the finished grade of the roadway adjacent thereto.

G. Use of Driveway During Construction; Damage to Right-of-Way. All driveways shall be in place before any type of new construction begins. The driveway shall provide the only means of ingress to or egress from the construction site. All damage to the Town road right-of-way, including the road surface, resulting from the installation, maintenance, repair, replacement and/or removal of any driveway shall be repaired at the property owner's expense and in accordance with the Town's Road Ordinance. When applicable, all repairs must be completed before an occupancy permit will be issued.

H. Guidelines To Be Followed.

1. Proper size, length, and pitch of culvert with steel end walls.

2. Culvert to be covered with a minimum of three inches of base stone.

3. Surface to be one-half inch to three-fourths inch gravel.

4. All disturbed areas shall be restored with proper grading, seed, sod, and other erosion control measures as determined by the Road Supervisor or Town Roadman.

5. No rocks, washout material, debris, or redi-mix materials.

6. No plantings (bushes, flowers, etc.), rocks, boulders, structures, fences, etc., within the Town road right-of-way. A rural mailbox approved by the U.S. Postal Service on an approved wooden break away post is the only item allowed within the Town road right-of-way.

7. The Town shall not be responsible for any damage to mail boxes.

I. Temporary Driveways. All driveways intended to be temporary in nature shall be removed from the Town road right-of-way on or before the date indicated on the permit application. The issuance of a permit for a temporary driveway may, at the sole discretion of the Road Supervisor or Town Roadman, be conditioned upon the applicant's posting of a bond or other security for the performance of the applicant's obligations under this Chapter, in such form and amount as deemed acceptable by the Road Supervisor.

12.30.50 Existing Driveways

A. Any existing driveway which is to be reconstructed in any manner shall be required to comply with subsections B. through G., above.

B. Any preexisting concrete, paver, and/or field stone driveway will be allowed to remain in place until either the Town repaves, resurfaces, or reconstructs the adjacent Town road or the existing culvert is replaced.

C. If the adjacent Town road is repaved, resurfaced, or reconstructed, the Town will remove the portion of the driveway that is within the Town road right-of-way and will replace said portion with asphalt. Any other repair necessitated by the Town road work shall be at the sole and exclusive expense of the property owner and shall comply with the provisions of this Chapter.

12.30.60 Maintenance and Encroachments

WI Stats 346.94(5) prohibits placing snow in the public roadway. Plowing or pushing snow into the roadway creates a hazard for vehicle traffic and may cause damage to the Town snowplow equipment. Obstruction of a roadway with an improperly parked car is also a violation of the law under WI Stats 346.54 and violations can result in citations.

It is the responsibility of property owners of driveways and users of private roads/driveways to maintain a 12 foot wide drive/road with a clearance of 14 feet in height to accommodate emergency vehicles. A sufficient base is also required. Damage to emergency vehicles responding to a Town residence would be the responsibility of the property owner. Emergency vehicles are NOT obligated to serve residences deemed not accessible.

WI Stats 86.04 addresses encroachments in the road right-of-way. Property owners should not plant or place plants, structures, vehicles, etc. in the right-of-way. Often the right-of-way is wider than the blacktop. Vehicles and other objects I the right-of-way create hazards and make clearing of snow and emergency vehicle access difficult. Periodically the Town trims trees and bushes in the right-of-way. The Town is permitted to order the removal of encroachments and is not responsible for reimbursement of plants, trees or other obstacles that encroach on the right-of-way. Maps of all plats in the township may be found on the Walworth County website (co.walworth.wi.us) in the County's Register of Deeds office.

12.30.70 Hardship

If a property owner feels a hardship has been created due to the unusual slope or terrain of the property in the Town road right-of-way, said property owner may appeal to the Town Board for a variance on the conditions set forth above.

12.30.80 Violation

Any person who shall violates any provisions of this chapter shall remedy and correct such violation within 30 days of notification, in writing, by the Town Board.

12.30.90 Additional Relief

Any driveway or culvert installed upon, under, or over any highway right-of-way without a permit, or any such driveway or culvert which is installed contrary to the terms and conditions of the issued permit or of this chapter shall be deemed a highway encroachment and shall be subject to removal, pursuant to Wis. Stat. § 86.04 as it presently exists or as it may hereafter amended or renumbered. Failure to obey an order for removal under Wis. Stat. § 86.04 may result in a per diem forfeiture and the recovery of the Town's costs of removal.

12.30.100 Culvert Replacement

Richmond Township shall replace all culverts it deems to be unserviceable due to damage or normal wear and tear. Culverts removed for replacement, cleaning, or that are adjusted or enlarged as part of a township project shall be done at the expense of the Town of Richmond. The replacement of a culvert at the request of the property owner or as a result of damages caused by the property owner shall be at the property owner's sole and exclusive expense.

12.30.110 Conflict

In the event of any conflict between the terms of this ordinance and any applicable state statute, the applicable state statute shall control.

12.30.120 Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

Title 15
BUILDINGS AND CONSTRUCTION

Chapters:

15.05 General Provisions

15.10 *Repealed*

15.15 Moving Buildings

Chapter 15.05
GENERAL PROVISIONS

Sections:

15.05.010 Authority.

15.05.020 Purpose.

15.05.030 Scope.

15.05.040 Wisconsin Uniform Dwelling Code adopted.

15.05.050 Building inspector – Generally.

15.05.060 Building inspector – Powers.

15.05.070 Inspections.

15.05.080 *Repealed.*

15.05.090 Records.

15.05.100 Submission of plans.

15.05.110 Occupancy permit for new construction.

15.05.120 Maintenance of construction site.

15.05.130 Fees.

15.05.140 Driveway/culvert installation.

15.05.150 Demolition, condemnation.

15.05.160 Enforcement.

15.05.170 Amendments.

15.05.180 Building permits.

15.05.190 Severability.

15.05.200 Violation – Penalty.

15.05.010 Authority.

This chapter is adopted under the authority granted by Wis. Stats. Section 101.65. [Code 2002 § 10-1.]

15.05.020 Purpose.

The purpose of this chapter is to promote the general health, safety and welfare. [Code 2002 § 10-2.]

15.05.030 Scope.

(a) This chapter applies to all one- and two-family dwellings constructed after promulgation of the Wisconsin Uniform Dwelling Code on June 1, 1980. Also included are residential accessory buildings greater than 150 square feet, detached garages, decks, additions that increase the physical dimensions of buildings, including bay windows and alterations to a building structure, or alterations to the building's heating, electrical or plumbing systems with a market value exceeding $15,000, and the razing or moving of buildings.

(b) Specifically excluded are children's play structures, commercial buildings, and multifamily dwellings. Also excluded, regardless of value, are re-siding, reroofing, and cosmetic finishing of interior surfaces.

(c) Permits for agricultural buildings are required solely for the installation of electrical service and heating services. The standards to be applied for such permits are those applicable to commercial buildings under the Wisconsin Administrative Code, Chapters SPS 362 and 364 and any revisions thereto. [Ord. dated 5/21/2013-2 § 2. Code 2002 § 10-3.]

15.05.040 Wisconsin Uniform Dwelling Code adopted.

The Wisconsin Uniform Dwelling Code, Wis. Admin. Code Chs. SPS 320 through 325, is adopted and incorporated by reference and shall apply to all buildings within the scope of this chapter. Any future amendments, revisions or modifications shall become part of this chapter without further action by the town board. [Ord. dated 5/21/2013-2 § 3. Code 2002 § 10-4.]

15.05.045 Wisconsin Camping Unit Building Inspection Code adopted.

Richmond Township accepts state statute Wis. Admin. Code § SPS 327 for camping unit building inspection. The Wisconsin Department of Safety and Professional Services (SPS) has established uniform statewide construction standards and inspection procedures for camping units in accordance with the requirements of ss. 101.63 (1), 101.82 (1), and 145.02 (2) (b), Stats. [Ord. dated 7/15/25.]

15.05.050 Building inspector – Generally.

There is hereby created the position of building inspector, who shall administer and enforce this chapter and shall be certified by the Wisconsin Division of Safety and Professional Services, as specified by Wis. Stats. Section 101.66(2), in the category of Uniform Dwelling Code construction inspector. The building inspector shall be appointed by the town board. [Ord. dated 5/21/2013-2 § 3. Code 2002 § 10-5.]

15.05.060 Building inspector – Powers.

The building inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the building inspector or his agent while in the performance of his duties. [Ord. dated 5/21/2013-2 § 4. Code 2002 § 10-6.]

15.05.070 Inspections.

(a) The following inspections shall be requested 48 hours in advance by the applicant/contractor or property owner as applicable.

(1) Footing/foundation.

(2) Rough carpentry, HVAC, electric and plumbing.

(3) Draintile/basement floor.

(4) Insulation.

(5) Final occupancy, HVAC, electric and plumbing.

(b) Failure to request any inspection will be the responsibility of the contractor and/or property owner. [Code 2002 § 10-7.]

15.05.080 Building permit required.

Repealed by ord. dated 5/21/2013-2. [Code 2002 § 10-8.]

15.05.090 Records.

The building inspector shall perform all administrative tasks required by the department under Wis. Admin. Code Chs. SPS 320 through 325. In addition, the building inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance. The building inspector shall periodically update the town board as to the status of building permits. [Ord. dated 5/21/2013-2 § 3. Code 2002 § 10-9.]

15.05.100 Submission of plans.

Two sets of building plans shall be submitted to the building inspector for any work which expands the size of a building, any new building, or as required by the building inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. [Ord. dated 5/21/2013-2 § 5. Code 2002 § 10-10.]

15.05.110 Occupancy permit for new construction.

If no noncompliances are found by the building inspector, then the building inspector shall issue an occupancy permit after the final inspection of a new one- or two-family dwelling. If minor noncompliances other than health or safety items are in existence, the inspector may issue a temporary occupancy permit for a specified term. Occupancy may not be taken until an occupancy permit is issued. [Code 2002 § 10-11.]

15.05.120 Maintenance of construction site.

Yards shall be kept free of weeds, construction debris, trash or open storage during construction. [Code 2002 § 10-12.]

15.05.130 Fees.

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the town. If work commences prior to permit issuances, double fees may be charged by the building inspector. [Code 2002 § 10-13.]

15.05.140 Driveway/culvert installation.

(a) Culverts. Culverts necessary for proper drainage shall be installed after elevation and location are obtained from the town board. The minimum length of any culvert installed in any roadbed shall be 40 feet in length; however, the diameter and length of such culvert shall be subject to approval by a road maintenance employee of the town designated by the town board as the town’s highway officer, after the amount of flowage is determined. Secondary culverts installed in any lateral trenches will be of a size and length determined by the town board. The

town board may require end sections upon all culverts, and any additional erosion controls deemed necessary by the town board.

(b) Approval Required for Driveway Construction – Fee. No person shall construct or maintain any driveway leading into a public highway or town road without first obtaining a driveway permit from the building inspector and paying therefor a fee designated under the town's fee schedule, which shall be adopted by the town board by resolution.

(c) Specifications for Driveway Construction.

(1) Width. No driveway shall exceed 36 feet in width at the road or edge.

(2) Interference with Intersections Is Prohibited. At road intersections a driveway shall not provide direct ingress or egress to or from the road intersection area and shall not occupy areas of the roadway deemed necessary by the town board for effective traffic control or for highway signs or signals.

(3) Interference with Road. No driveway shall extend out into the road further than the roadway, and under no circumstances shall such driveway apron extend into the surface area. All driveway entrances shall be so constructed that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with any existing structure on the right-of-way. When required by the town board to provide for adequate surface water drainage along the road, the property owner shall provide any necessary culvert pipe at his own expense. At a distance of 12 feet from the adjacent roadway the finished grade of a driveway shall be four inches below grade of the adjacent roadway, where possible.

(4) Number of Access Points Limited. The permittee shall be limited to the access point as designated by the town board after inspection of site and written approval of such site location and limitation of size, construction and maintenance. The driveway shall be near as possible at a right angle to the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction unless otherwise approved by the town board. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway entrances. Side ditches and roadside areas shall be restored in a neat, workmanlike manner. Driveway surface shall connect with the road pavement in a neat, workmanlike manner. [Ord. dated 5/21/2013-2 §§ 6, 7. Code 2002 § 10-16.]

15.05.150 Demolition, condemnation.

The town board has the authority to condemn any building that is deemed unsightly or not livable. The town board reserves the right to order removal or restoration in a given length of time. [Code 2002 § 10-17.]

15.05.160 Enforcement.

This chapter shall be enforced by the town board and the building officer. [Code 2002 § 10-18.]

15.05.170 Amendments.

This chapter may be amended from time to time by the town board in the same procedure in which the ordinance from which this chapter was derived was originally adopted. [Code 2002 § 10-19.]

15.05.180 Building permits.

No building or structure or any part thereof, being used for residential purposes or agricultural purposes, shall hereafter be built, enlarged or altered within the town unless a permit shall first be obtained by the owner or his agent from the building officer, upon payment of a fee

designated under the town's fee schedule, which shall be adopted by the town board by resolution. [Ord. dated 5/21/2013-2 § 8. Code 2002 § 10-51.]

15.05.190 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is held to be unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase of this chapter. The town board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional. [Code 2002 § 10-15.]

15.05.200 Violation – Penalty.

(a) The enforcement of this chapter and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than $25.00, nor more than $1,000 for each day of noncompliance.

(b) If violations are not corrected but work continues on a specified project, the town board has given authority to the building inspector to place a stop work order on such project. [Code 2002 § 10-14.]

Chapter 15.15
MOVING BUILDINGS

Sections:

15.15.010 Definitions.
15.15.020 Permit required.
15.15.030 Permit application – Bond.
15.15.040 Interfering structures.
15.15.050 Fees.
15.15.060 Supervision.
15.15.070 Route.
15.15.080 Trimming of trees.
15.15.090 Small buildings – Exemption.
15.15.100 Dilapidated buildings.
15.15.110 Additional rules and regulations.
15.15.120 Violation – Penalty.

15.15.010 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” means a house, commercial building, industrial building or any structure of a size great enough so that the moving thereof over a road would cause hazard or inconvenience to any person.

“Building inspector” means the individual appointed by the town board and certified by the Wisconsin Department of Safety and Professional Services under RMC 15.05.050.

“Interfering structure” means any wire, cable, pipe, tree, pole, curb, sidewalk, pavement or other structure or device located in or about a road which must be temporarily relocated or otherwise altered to facilitate the passage of a building.

“Over” shall include the terms “on,” “across” and “upon.”

“Permittee” means the person to whom a permit is issued pursuant to the provisions of this chapter.

“Road” means any public street, highway, road or alley within the corporate limits of the town.

“Trailer” means every vehicle, without motive power, designed for carrying property and for being drawn by a motor vehicle. The singular shall also include the plural.

“Vehicle” means every motor vehicle designed, used or maintained primarily for the transportation of property. [Ord. dated 5/21/2013-2 § 9. Code 2002 § 10-121.]

15.15.020 Permit required.

No person shall move a building over any road within the corporate limits of the town without first obtaining a permit from the town chairperson. Permits issued under this chapter shall not be assignable or transferable and shall not be used by any person other than the permittee or his employee. [Code 2002 § 10-123.]

15.15.030 Permit application – Bond.

(a) Any person desiring to obtain a permit authorizing the moving of a building over a road within the town shall make application therefor to the town chairperson. The application shall furnish the following information:

(1) The name and address of the applicant.

(2) Location from which the building is to be moved.

(3) The destination to which the building is to be moved.

(4) The route proposed by the applicant over which the building is to be moved. Such route must be approved by the sheriff’s department.

(5) The dimensions of the building.

(6) Type of construction (frame, brick, etc.).

(7) Applicant’s signature.

(8) Proposed date of moving.

(b) The application shall be accompanied by a surety company bond, in the penal sum of $50,000 conditioned on the faithful performance of the applicant of all requirements of this chapter, to indemnify the town and to save it harmless against any and all claims, demands or

causes of action whatsoever which might arise or accrue against it by reason of granting such permit or the exercise of any privilege thereby conferred, and to repay all damages which may be suffered by the town or any person by reason of exercise of the permit, including, by way of illustration, but not of limitation, injury to pavements, curbs, sidewalks, driveways, poles, wires or trees. [Code 2002 § 10-124.]

15.15.040 Interfering structures.

If it appears to the town chairperson that it may be necessary to cut, raise or replace any interfering structure in order to facilitate the movement of a building, the permit shall not be issued unless the applicant first files with the chairperson a receipt given to the applicant by the owner or other lawful custodian of the interfering structure for a deposit equal to the amount of actual expense involved in cutting, raising or replacing it. [Code 2002 § 10-125.]

15.15.050 Fees.

The fee for obtaining a permit to move a building over the town roads shall be $75.00 for each day or fraction thereof that the building rests on blocks or impedes traffic upon the town roads. The applicant shall deposit the sum of $500.00 with the town treasurer as an initial fee. Unused portions of this fee shall be refunded to the applicant pro rata. Fees in excess of the deposit shall be collected from the applicant in like manner. During any period that a building rests on blocks, or impedes traffic upon any town road, the unearned deposit shall be not less than $150.00, and if the deposit falls below that amount, the permit shall be revoked forthwith unless an additional deposit is made which shall bring the unearned deposit to $150.00. [Code 2002 § 10-126.]

15.15.060 Supervision.

The town chairperson or his duly appointed representative shall accompany any building being moved pursuant to the provisions of this chapter. [Ord. dated 5/21/2013-2 § 10. Code 2002 § 10-127.]

15.15.070 Route.

The permit issued under this chapter shall designate the route over which the applicant shall move any building to which this chapter applies. The route shall not be changed unless the permit is amended. A sheriff's department permit is required. [Code 2002 § 10-128.]

15.15.080 Trimming of trees.

No tree shall be cut or trimmed by the permittee without the prior written consent of the owner or other lawful custodian of such tree. [Code 2002 § 10-129.]

15.15.090 Small buildings – Exemption.

Small buildings moved on motor trucks or trailers, such as garages, shall be exempt from RMC 15.15.050, relating to fees, if under eight feet wide, but from no other section or provision of this chapter. [Code 2002 § 10-130.]

15.15.100 Dilapidated buildings.

No dilapidated, substandard, dangerous or unsafe building may be moved over any town road. The determination shall be made after an inspection of the building by the town chairperson. Any portion of the deposit not exhausted by actual expense of the inspection shall be refunded to the applicant. [Code 2002 § 10-131.]

15.15.110 Additional rules and regulations.

The town board may make regulations governing the movement of buildings not inconsistent with this chapter. Such rules, among other things, may regulate or prohibit the moving of buildings too large for the proposed route. [Code 2002 § 10-132.]

15.15.120 Violation – Penalty.

Any person violating any provision of this chapter shall forfeit not less than $100.00 nor more than $500.00 for each offense; and a separate offense shall be deemed committed on each day during which the violation occurs or continues. [Code 2002 § 10-122.]

Title 16
WATERWAYS AND BOATING REGULATIONS

Chapters:

16.05 General Provisions

16.10 Turtle Lake

16.15 Whitewater and Rice Lakes

16.20 Lake Lorraine

Chapter 16.05
GENERAL PROVISIONS

Sections:

16.05.010 State boating and water safety laws adopted.

16.05.020 Adoption of state bond schedule.

16.05.030 Citation – Nature, issuance, release of accused.

16.05.040 Failure of defendant to appear.

16.05.050 Bond.

16.05.060 Lake accesses.

16.05.070 Boat launching.

16.05.010 State boating and water safety laws adopted.

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of the statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by the provisions of the statutes incorporated by reference in this chapter is required or prohibited by this section as follows:

Wisconsin Statutes	
30.12	Deposit any material or place any structure upon the bed of any navigable water per Wis. Stats. Sections 30.12(a) and (b).
30.15	Obstruct navigable water.
30.523(2) or (3)	Failure to display registration number or decal on boat.
30.61	Operate boat between sunset and sunrise without required lights.
30.61(6)(a)	Moored boats and structures beyond 200 feet from shore without lights.
30.61(10)	Operate a personal watercraft from sunset to sunrise.
30.62(3)	Failure to provide proper number of personal flotation devices (PFD).
30.62(3)(b)	Fail to wear a personal flotation device on a personal watercraft.
30.62(4)	Failure to have required fire extinguishing equipment aboard.
30.635	Operate at speed greater than slow-no-wake on lakes 50 acres or less.
30.64(3)	Fail to stop for officer.
30.65(1)(a)	Improper passing when meeting “head to head.”
30.65(1)(b)	Failure to yield right-of-way.
30.65(1)(d)	Failure to yield right-of-way to sailboat or rowboat.
30.65(1)(e)	Failure to yield right-of-way when overtaking or passing.
30.66(1)	Unreasonable or imprudent speed.
30.66(2)	Operate at speed in excess of posted notice.
30.66(3)	Operate motorboat within 100 feet of dock, raft or pier at a speed in excess of slow-no-wake speed.
30.66(3)(b)	Operate a personal watercraft greater than slow-no-wake speed within 100 feet of another boat.
30.68(4)	Creating hazardous wake or wash.
30.68(5)	Operating in circular course.
30.68(6)	Riding on decks or gunwales.
30.68(8m)	Illegal mooring buoys (daily).
30.68(9)	Overloading.

Wisconsin Statutes	
30.69(1)(a)	Operating boat towing water skier without observer.
30.69(1)(a)	Operating boat towing water skier between sunset and sunrise.
30.69(1m)(c)	Operate a personal watercraft not designed for three people while towing a water skier.
30.69(3)	Water skiing, within 100 feet of restricted area.
30.69(3)(b)	Within 100 feet of a personal watercraft.
30.67(1)	Fail to render aid at boating accident or 0 – 6 months or both.
30.68(2)	Operate boat in reckless or negligent manner or 0 – 6 months or both.
30.681(1)(a)	Operate a motorboat while intoxicated (B-10). (Second offense within five years, and five days to six months.) (Third or more offenses within five years, and 30 days to one year.)
30.681(1)(b)	Operate motorboat with alcohol concentration above 0.10 percent (B-10). (Second offense within five years, and five days to six months.) (Third or more offenses within five years, and 30 days to one year.)
30.681(2)	Cause injury by intoxicated operation of motorboat 30 days to one year.
330.684(5)	Refuse to take test, intoxicated motorboat operation (B-36) (Second offense within five years, and five days to three months.) (Third or more offenses within five years, and 30 days to one year.)

[Code 2002 § 58-1.]

16.05.020 Adoption of state bond schedule.

The town board does hereby adopt the state January 1, 1988, bond schedule for violation of this chapter. [Code 2002 § 58-2.]

16.05.030 Citation – Nature, issuance, release of accused.

(a) Nature. A citation under this section is a directive, issued by a law enforcement officer, that a person appear in court and answer charges. A citation is not a criminal complaint and may not be used as a substitute for a criminal complaint.

(b) Authority to Issue – Effect. A law enforcement officer may issue a citation to any person whom he has reasonable grounds to believe has committed a violation of this chapter. A citation may be issued in the field or at the headquarters or precinct station of the officer instead of or subsequent to a lawful arrest. If a citation is issued, the person cited shall be released on his own recognizance. In determining whether to issue a citation, the law enforcement officer may consider whether:

(1) The accused has given proper identification.

(2) The accused is willing to sign the citation.

(3) The accused appears to represent a danger of harm to himself, another person or property.

(4) The accused can show sufficient evidence of ties to the community.

(5) The accused has previously failed to appear or failed to respond to a citation.

(6) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with law enforcement agency policies.

(c) Contents. The citation shall do all of the following:

(1) Identify the offense and section which the person is alleged to have violated, including the date, and if material, identify the property and other persons involved.

(2) Contain the name and address of the person cited, or other identification if that cannot be ascertained.

(3) Identify the officer issuing the citation.

(4) Direct the person cited to appear for his initial appearance in a designated court, at a designated time and date.

(d) Service. A copy of the citation shall be delivered to the person cited, and the original must be filed with the district attorney.

(e) Review by District Attorney. If the district attorney declines to prosecute, he shall notify the law enforcement agency which issued the citation. The law enforcement agency shall attempt to notify the person cited that he will not be charged and is not required to appear as directed in the citation.

(f) Citation No Bar to Criminal Summons or Warrant. The prior issuance of a citation does not bar the issuance of a summons or a warrant for the same offense.

(g) Preparation of Form. The judicial conference shall prescribe the form and content of the citation under Wis. Stats. Section 758.171. [Code 2002 § 58-3.]

16.05.040 Failure of defendant to appear.

(a) If the person so arrested for violation of this chapter and released fails to appear personally or by an authorized attorney or agent before the court at the time fixed for the hearing, the money deposited by the accused pursuant to the provisions in RMC 16.05.050 shall be retained and used for the payment of the forfeiture, which forfeiture may be imposed either with or without cost as determined by the court after the ex parte hearing upon the accused. The excess, if any, shall be returned to the person who makes the deposit upon his making application for such excess. If the accused is found not guilty, then the entire amount of the deposit shall be returned to the depositor.

(b) Any person violating any of the terms of this chapter shall be subject to arrest whether at the time of the arrest he is on the waterways or upon the shore, and any water patrol officer may pursue the offender ashore to enforce the terms of this chapter. [Code 2002 § 58-4.]

16.05.050 Bond.

The law enforcement officer or any town police officer may accept money or bond deposits from any person charged with a violation of this chapter, and upon receipt of the bond shall issue a receipt for the bond received to the person. The law enforcement officer or town police officer or the county court shall deliver forfeited bond deposits to the town treasurer upon order of the county court and within seven days after the court issues the order. [Code 2002 § 58-5.]

16.05.060 Lake accesses.

(a) Intent. It is the intent of this section to provide for safe public use of the accesses held in trust by the town and to preserve the natural resources in these areas.

(b) Penalties. Citations for violations of this section shall follow the procedure listed in Wis. Stats. Sections 66.119 and 66.12. Cash deposit for violation shall be a minimum of $35.00 for the first violation and shall not exceed $200.00 for succeeding offenses.

(c) Improvements. As provided in Wis. Stats. Section 236.16, nothing in this section shall require the town to improve the land provided for public access.

(d) General Use. The general public may use the accesses for getting fishing, boating and recreational equipment to the lake on those accesses where terrain and soil conditions make possible safe and reasonable movement of such equipment from the nearest public highway to the lake. No use of the lake access that is in violation of state, federal or county statutes shall be permitted.

(e) Special Uses. Special uses of the lake accesses shall include but not be limited to: research groups, weed harvesting and chemical treatment operators, sea wall construction operators, and heavy equipment operators.

(f) Special Use Permits.

(1) Special use operators shall file with the town clerk an application for a special lake accesses use permit. Such application shall describe the date of the beginning and ending of the operation, the special equipment to be used, provisions for public safety provided, evidence of liability insurance adequate to cover all possible accidents or damage to other persons, equipment or to terrain or vegetation on the access, provision for restoring the access to its condition at the start of the operation, evidence of state, county or federal permits required, an agreement to cease operation and remove equipment within 48 hours of an order of the town board, and the nature of and length of time any materials will be stored on the access. The town board may require a bond to be posted by the applicant for possible costs in restoring the site to its condition prior to the special use. The town may require the applicant to sign a statement freeing the town from liability to other users while the special use is in progress or as a result of that special use.

(2) The town board in open meeting shall review the application for special use of the accesses. The town board shall approve or disapprove the application. In the event of approval, the town board will designate which accesses may be used, the time of each use and shall direct the clerk to issue the permit. This permit must be displayed on the accesses while the work is in progress. As the work progresses, the town board may inspect, or cause to be inspected, the operation. If upon inspection the operation is not deemed to be in the public interest or violates any town ordinance or any of the terms or conditions of the permit, it may require the operator to cease and desist in the operation and restore the accesses to the condition that existed at the start of the operation. The town board may require the operator to surrender his permit for the operation.

(g) Parking. Parking shall be permitted on the access in designated areas only between the hours of 6:00 a.m. to 11:00 p.m. If parking areas are not designated, all parking shall be done in such a manner that the public may have unimpeded access to the lake at all times. The town may designate no parking areas when such areas are in the best public interest. Stopping or standing a vehicle on the access shall be only for short periods of time and shall be done in a sharing manner with other access users.

(h) Storage. Storage of any material, equipment, weeds or bog material shall be for a minimal length of time. Any storage shall be allowed only after a special use permit has been issued to the person needing to store materials on the access in order to perform lake-oriented services. Such permit shall be for the shortest possible storage period. Materials stored on the lake accesses shall be only of those materials necessary for lake projects such as, but not limited to, weed harvesting, bog removal, chemicals for authorized treatment of aquatic nuisances, materials for erosion and eutrophication control, and navigation and traffic control devices and research equipment.

(i) Alteration and Encroachment. No person shall alter the natural terrain of the access by drainage, planting or cultivating vegetation without special permit issued by the town board after acquiring assurance in writing from state and county agencies that such alteration is not in violation of state and county statutes and ordinances. No person shall encroach upon any access by alteration of boundaries, construction of buildings, drainage of liquids, or deposition of solid waste materials. [Code 2002 § 58-6.]

16.05.070 Boat launching.

(a) Purpose and Intent. The purpose and intent of this section is to promote the public health, safety and general welfare of the people of the town by setting rules for the use of the town-owned and unmanned boat launches on the northwest shore of Turtle Lake, the south shore of Lake Lorraine or the south shore of Whitewater Lake.

(b) Activities Regulated. At any of the boat launches referred to in subsection (a) of this section, it shall be unlawful for any person to:

(1) Dock or moor a boat for any period of time longer than is necessary to launch a boat into or remove a boat from the lake;

(2) Use these areas for the purpose of camping, sleeping or living;

(3) Start or maintain any fires, including campfires or barbecues;

(4) Place, deposit or leave upon such grounds any paper, garbage, refuse, trash or other discarded thing, substance or article;

(5) Park vehicles or trailers overnight;

(6) Use the boat launching area on such premises for swimming.

(c) Penalty. Any person violating the terms of this section shall forfeit not less than $50.00 nor more than $500.00, together with the costs of prosecution thereof, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 30 days. [Code 2002 § 58-7.]

Chapter 16.10
TURTLE LAKE

Sections:

16.10.010 Repeal of conflicting ordinances.

16.10.020 Intent.

16.10.030 Applicability and enforcement.
16.10.040 Definitions.
16.10.050 Capacity plate on boat.
16.10.060 Operation of unnumbered boats prohibited.
16.10.070 Certificate of number.
16.10.080 Certificate number to be displayed on boat – Certificate to be carried.
16.10.090 Transfer of ownership of number.
16.10.100 Notice of abandonment or destruction of boat or change of address.
16.10.110 Classification of motorboats.
16.10.120 Lighting equipment.
16.10.130 Other equipment.
16.10.140 Patrol boats exempt from certain traffic regulations.
16.10.150 Traffic rules.
16.10.160 Speed restrictions.
16.10.170 Accidents and accident reports.
16.10.180 Distress signal flags.
16.10.190 Prohibited operation.
16.10.200 Water skiing.
16.10.210 Skindiving.
16.10.220 Boats equipped with toilets.
16.10.230 Traffic lane defined.
16.10.240 *Repealed.*
16.10.250 Swimming regulations.
16.10.260 Water skiing regulations.
16.10.270 Aircraft prohibited.
16.10.280 Littering waters prohibited.
16.10.290 Violation – Penalty.

16.10.010 Repeal of conflicting ordinances.

All ordinances regulating water traffic, boats or water sports upon the waters covered by this chapter and all ordinances and parts of ordinances in conflict with this chapter heretofore enacted by the town are hereby repealed. [Code 2002 § 58-71.]

16.10.020 Intent.

The intent of this chapter is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resource. [Code 2002 § 58-72.]

16.10.030 Applicability and enforcement.

The provisions of this chapter shall apply to the waters of Turtle Lake lying within the town of Richmond, except as otherwise specified in this chapter. The provisions of this chapter shall be enforced under the jurisdiction of the town board. [Ord. dated 9/19/2017-2 § 1; Code 2002 § 58-73.]

16.10.040 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:

“Boat” means every description of watercraft other than a seaplane on the water.

“Motorboat” means any boat propelled by machinery.

“Operate” means, when used with reference to a motorboat or boat, to navigate, steer, sail, row or otherwise to move or exercise physical control over the movement of such boat.

“Owner” means the person who has lawful possession of a boat by virtue of legal title. [Code 2002 § 58-74.]

16.10.050 Capacity plate on boat.

(a) Every vessel less than 26 feet in length and designed to carry two or more persons shall if made or sold in this state have affixed permanently thereto a capacity plate.

(b) A capacity plate shall bear the following information:

(1) The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying.

(2) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no case shall such presumed weight be less than 150 pounds per person.

(3) Clear notice that the information appearing on the capacity plate is applicable under normal conditions only.

(4) In the case of vessels designed for use with outboard motor, the maximum horsepower of the motor the vessel is designed to accommodate. In this case, also the weight of the motor is considered to be part of the weight capacity. [Code 2002 § 58-75.]

16.10.060 Operation of unnumbered boats prohibited.

No person may operate, and no owner may give permission for the operation of, any motorboat or any sailboat over 12 feet in length on the waters of this state unless the motorboat or sailboat either is covered by a valid certificate of number issued pursuant to this chapter or is exempt from the numbering requirements. [Code 2002 § 58-76.]

16.10.070 Certificate of number.

(a) A motorboat principally used in this state shall be numbered in this state.

(b) Numbering periods shall run for three years, commencing April 1st of the year in which the certificate is issued and expiring on March 31st of the third year thereafter.

(c) A fee of $4.50 shall be paid to the department for the issuance of a certificate of number or renewal thereof. [Code 2002 § 58-77.]

16.10.080 Certificate number to be displayed on boat – Certificate to be carried.

(a) Upon being issued a certificate of number and decals, the owner of the boat shall paint on or attach the identification number and attach the decals to each side of the bow.

(b) The certificate of number shall be available at all times for inspection on the boat for which issued, whenever such boat is in use. [Code 2002 § 58-78.]

16.10.090 Transfer of ownership of number.

(a) Whenever the owner of a boat covered by a certificate of number transfers all or any part of his interest in such boat, he shall notify the department of such transfer and return the certificate of registration to the department.

(b) The transferee shall make application for a new certificate of number as prescribed by the department. [Code 2002 § 58-79.]

16.10.100 Notice of abandonment or destruction of boat or change of address.

(a) If a boat covered by a certificate of number is destroyed or abandoned, the owner shall notify the department within 15 days.

(b) Whenever any person moves, after applying for or receiving a certificate of number, he shall notify the department in writing of both his old and new address within 15 days. [Code 2002 § 58-80.]

16.10.110 Classification of motorboats.

Motorboats shall be classified as follows:

(a) Class A: Those motorboats less than 16 feet.

(b) Class 1: Those motorboats 16 feet or over but less than 26 feet.

(c) Class 2: Those motorboats 26 feet or over but less than 40 feet.

(d) Class 3: Those motorboats 40 feet or over. [Code 2002 § 58-81.]

16.10.120 Lighting equipment.

(a) Lights Required – Prohibited.

(1) No person shall operate any motorboat at any time from sunset to sunrise unless such motorboat carries the lighting equipment required by this section and such equipment is lighted.

(2) No person shall exhibit from or on any motorboat, when underway at any time from sunset to sunrise, any light which may be mistaken for those required by this section.

(b) Classes A and 1 Motorboats. All motorboats of classes A and 1 when underway at any time from sunset to sunrise shall have lighted the following:

(1) One lamp aft showing a white light all around the horizon.

(2) One combined lamp in the fore part of the motorboat and lower than the white light aft, showing green to starboard and red to port and so fixed that each side of the combined lamp throws a light from directly ahead to two points abaft the beam on its respective side.

(c) Classes 2 and 3 Motorboats. All motorboats of classes 2 and 3 when underway at any time from sunset to sunrise have lighted the following lamps:

(1) One lamp in the fore part of the boat showing an unbroken white light over an arc of the horizon of 20 points and fixed to throw light from directly ahead to two points abaft the beam.

(2) One lamp aft showing a white light all around the horizon and higher than the lamp forward.

(3) Two side lamps, green to starboard and red to port, both fitted with inboard screens to prevent them from being seen across the bow and both constructed to show an unbroken light over an arc of 10 points and fixed to throw the light from directly ahead to two points abaft the beam on its side.

(d) Sailboats with Motors. Sailboats equipped with motors and propelled in whole or part by such motors must comply with subsection (b) or (c) of this section according to their classification. Whenever such a sailboat is being propelled entirely by sail at any time from sunset to sunrise, it shall show the colored lights which fit its class but not the white lights and shall carry a lantern showing a white light in time to avert collision.

(e) Sailboats and Rowboats Without Motors.

(1) Every boat propelled by muscular power and every sailboat not equipped with a motor, when underway at any time from sunset to sunrise, shall carry a lantern, showing a white light in time to avert collision.

(2) Moored, anchored and drifting boats and other fixed and floating structures outside of designated anchorages or beyond 200 feet from the shoreline shall be lighted from sunset to sunrise by a white light visible all around the horizon.

(f) Visibility. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles on a dark night with clear atmosphere. Every colored light shall be visible at one mile on a dark night with clear atmosphere. [Code 2002 § 58-82.]

16.10.130 Other equipment.

(a) No person shall operate any boat on the waters of this state unless such boat is equipped as required by this section.

(b) The engine of every motorboat shall be equipped with a muffler.

(c) Every boat shall carry at least one life preserver or other device of the sort prescribed by the regulations for each person on board or being attended by such boat.

(d) Every motorboat, except outboards of open construction, shall be provided with such fire extinguishers as shall be capable of extinguishing burning gasoline. Specifications shall be as prescribed by rules of the department.

(e) Every motorboat with an inboard motor using gasoline shall have the carburetors fitted with a device for arresting backfire. Specifications shall be as prescribed by rules of the department.

(f) Every motorboat, except open boats, fueled by a volatile liquid shall be provided with a ventilation system capable of removing explosive gases.

(g) Every motorboat equipped with storage batteries shall be provided with suitable supports and shields for such batteries. [Code 2002 § 58-83.]

16.10.140 Patrol boats exempt from certain traffic regulations.

The operator of a duly authorized patrol boat, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, need not comply with state or local regulations fixing maximum speed limits and, if a siren is being sounded, need not comply with state or local boat traffic regulations governing meeting, passing or right-of-way. [Code 2002 § 58-84.]

16.10.150 Traffic rules.

Every person operating a boat shall comply with the following traffic rules:

(a) When two motorboats are approaching each other “head and head” or so nearly so as to involve risk of collision, each boat shall bear to the right and pass the other boat on its left.

(b) When two motorboats are approaching each other obliquely or at right angles, the boat which has the other on its right shall yield right-of-way to the other.

(c) When a motorboat and a boat propelled entirely by sail or muscular power are proceeding in such a direction as to involve risk of collision, the motorboat shall yield the right-of-way to the other boat.

(d) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right-of-way to the boat being overtaken.

(e) A boat granted the right-of-way by this section shall maintain its course and speed, unless to do so would probably result in a collision. [Code 2002 § 58-85.]

16.10.160 Speed restrictions.

(a) The term “slow-no-wake” as used in this section is defined as the slowest possible speed necessary to maintain steerage.

(b) No person shall operate a power-driven boat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a power-driven boat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat, or other conveyance in or on the water in compliance with legal requirements and exercising due care.

(c) In addition to complying with subsection (b) of this section, no person shall operate a power-driven boat at a speed in excess of the posted notice as established by regulatory markers.

(d) No person operating a power-driven boat upon the waters of Turtle Lake shall operate such boat at a speed greater than “slow-no-wake” after 2:00 p.m. on Saturday, Sunday and legal holidays, and until after 10:00 a.m. the following day; nor shall any person operate a power-driven boat at a speed greater than “slow-no-wake” after 6:00 p.m. on any other day and until 10:00 a.m. the following day.

(e) In the event of shore or water conditions on Turtle Lake which may impair transportation, safety or property, either the town chair, by order, or the town board, by resolution, may, in their discretion, declare and impose a “slow-no-wake” speed restriction on watercraft operating anywhere and at any time on Turtle Lake. Water level may be determined by a fixed measuring device created in the discretion of the town board.

(f) In the event the town chair declares and imposes a “slow-no-wake” speed restriction under this chapter, the town board shall review the declaration at its next regular or special meeting, and shall either reaffirm, rescind, or declare limitations upon the town chair’s declaration. Before the town board takes such action, the town chair may, in his or her discretion, lift the imposition of the speed restriction. In the event the town board imposes a speed restriction, or reaffirms the town chair’s imposition of such a restriction, and unless otherwise specified by the town board, the town chair may, in his or her discretion, lift the imposition of any speed restriction imposed under this section. [Ord. dated 9/19/2017-2 § 2.]

16.10.170 Accidents and accident reports.

(a) Duty to Assist. Insofar as he can do so without serious danger to his own boat or to persons on board, the operator of a boat involved in an accident shall stop his boat and render assistance to other persons involved and shall give his name and address and identification of his boat to any person injured and to the owner of any property damaged.

(b) Duty to Report.

(1) If the accident results in death or injury to any person or total property damage amounting to $100.00, every operator of a boat involved shall give notice of the accident to a conservation warden or law enforcement officer and file a written report thereof with the department within 10 days.

(2) If the operator is physically incapable of complying with subsection (b)(1) of this section and there was another occupant in the boat at the time of the accident the other occupant shall comply. [Code 2002 § 58-87.]

16.10.180 Distress signal flags.

(a) Insofar as is possible the operator of a boat observing an orange flag 18 inches by 30 inches shall render to the boat or person displaying the signal such assistance as may be practical and necessary.

(b) No person shall display such a flag unless such person is in need of assistance to prevent bodily injury or destruction of property. [Code 2002 § 58-88.]

16.10.190 Prohibited operation.

(a) Under Influence of Intoxicant or Controlled Substance. No person may operate a boat or use water skis or a similar device upon the waters of this state while under the influence of an intoxicant or a controlled substance.

(b) Careless, Negligent or Reckless Operation. No person may operate a boat or use water skis or a similar device upon the waters of this state in a careless, negligent or reckless manner so as to endanger the life or property of himself or another.

(c) Operation by an Incapacitated Person.

(1) No person shall knowingly permit a boat of which he is in charge to be operated by any person who by reason of physical or mental disability is incapable of operating such boat safely.

(2) No person under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 and less than 16 years of age may operate a motorboat of any horsepower, but only if they are either accompanied by a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or are in possession of a certificate issued under Wis. Stats. Section 30.74(1).

(d) Creating a Hazardous Wake.

(1) No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash.

(2) An operator of a motorboat is liable for any damage caused by the wash or wake of such a motorboat.

(e) Operation Near Other Boats, Swimmers and Water Skiers. No person may operate a motorboat repeatedly in a circuitous course within 200 feet of another boat or a swimmer nor shall any boat or water skier operate closer than 100 feet to any skin diver’s flag or swimmer.

(f) Manner of Riding. No person operating a motorboat shall allow any person to ride or sit on the gunwales, tops of seat backs or sides or on the decking over the bow of the boat while underway.

(g) Operation in Swimming Area Prohibited. No person shall operate a boat within a water area, which has been clearly marked by buoys or some other device as a swimming area.

(h) Anchoring Unattended Boat. No person may anchor any unattended boat, raft, float or similar structure in the traveled portion of any river or in any traffic lane.

(i) Loading Capacity. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity.

(j) Motor Capacity. No boat shall be equipped with any motor beyond its safe power capacity.

(k) Unnecessary Sounding of Horns, Whistles, Etc. No person shall unnecessarily sound a horn, whistle or other device on any boat while at anchor or underway.

(l) Tampering with Navigational Aids. No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy or moor or fasten a boat to any navigation aids or regulatory markers. [Code 2002 § 58-89.]

16.10.200 Water skiing.

(a) No person may operate a motorboat towing a person on water skis, or similar device, unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as class A motorboats by the department, actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. No person may engage in water skiing or similar activity at any time from sunset to sunrise. This restriction does not prevent restrictions of the hours of water skiing between sunrise and sunset by local ordinances enacted pursuant to Wis. Stats. Section 30.77(3).

(b) There shall be no more than two persons using such tow lines as a means of water skiing or similar sport; the persons being towed must be equipped with an approved life jacket, or similar life saving device. No tow line shall exceed 75 feet in length.

(c) Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this chapter and, in addition, must operate in a counterclockwise pattern on the lake and inlet and outlet in the traffic lane. [Code 2002 § 58-90.]

16.10.205 Restriction of Certain Artificial Wake Enhancement.

WHEREAS, in the interest of public health, safety, and/or welfare, including the public's interest in preserving natural resources, the Town of Richmond (“Town”) has the authority to enact ordinances covering waters within its jurisdiction if the ordinances are not contrary to or inconsistent with Chapter 30, Wis. Stats., and they relate to the equipment, use, or operation of boats or to any activity regulated by Sections. 30.60 to 30.71, Wis. Stats.; and

WHEREAS, Turtle Lake is wholly within the Town; and

WHEREAS, artificially enhanced wakes can cause environmental damage to lakes and lakeshore, including resuspension of sediment adding nutrients to the water and increased risk of algal blooms, turbidity, shoreline erosion, and threats to aquatic life and waterfowl; and

WHEREAS, boats with ballast systems increase the likelihood of aquatic invasive species being introduced and spread on lakes; and

WHEREAS, artificially enhanced wakes can damage shoreline, lake bottom, moored boats, and shoreline structures including docks; and

WHEREAS, operating boats in a stern down manner creates downward prop wash, disturbing the lake bottom far below the wave zone, more than 25 feet below the surface; and

WHEREAS, artificially enhanced wakes can endanger swimmers, anglers, and other warcraft; and

WHEREAS, the use of ballast and wake enhancing fins can cause unsafe operation by causing the bow to rise obscuring vision forward; and

WHEREAS, the Town submitted a draft of this ordinance to the Wisconsin DNR for advisory review at least 60 days prior to passage, pursuant to 30.77(3)(d), Wis. Stats.; and

WHEREAS, the Town Board, after considering public comments and any DNR suggestions, determines that adopting this Ordinance is consistent with all other ordinances of the Town and would promote the public health, safety and welfare, including the public's interest in preserving natural resources;

NOW, THEREFORE, the Board of Supervisors of the Town of Richmond, Walworth County, Wisconsin, does hereby ordain as follows:

Section 1. Applicability and Enforcement: The provisions of this ordinance shall apply solely to Turtle Lake which is wholly within the Town of Richmond, Walworth County, Wisconsin. This ordinance shall be enforced by all officers of the Town of Richmond, Walworth County, Wisconsin and all other individuals empowered to enforce ordinances in this Town.

Section 2. **Certain Artificial Wake Enhancement Prohibited**

Prohibited Equipment. No person may use or employ ballast tanks, ballast bags or fins to cause a boat to operate in a bow-high manner, or which increases or enhances a boat's wake.

Prohibited Operation. No person may operate a boat in an artificially bow-high manner having the effect of increasing the boat's wake. Such prohibited operation shall include wake enhancement by use of ballast tanks, or ballast bags or fins, or continuous operation at transition speed (the speed below planing speed in which a boat is operating in plowing mode). For the purpose of this provision, “continuous operation” shall mean operation that is not acceleration for the purpose of achieving a state of planing.”

Certain Operations Excluded. In no event shall any of the following operations be deemed a violation of this Ordinance, provided such operations do not use or employ ballast tanks, ballast bags or wake enhancing fins: i) water skiing, ii) tubing, iii) wake boarding employing a tow rope; iv) brief transition operation to empty a boat of bilge water, or v) brief transition operation of a boat accelerating into a planing condition.

Section 3. Penalty.

Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., and deposits established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conferences, are hereby adopted by reference, except all references to fines are amended to forfeitures and all references to imprisonment are deleted.

To the extent that the penalty for any violation of this Ordinance is not provided under Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., any person violating this Ordinance shall forfeit $500 for the first offense and shall forfeit $1000 for the second and subsequent offenses within one year. Deposits established in the WISCONSIN CIRCUIT COURT FEE, FORFEITURE, FINE AND SURCHARGE TABLES shall also apply to any violation.

Section 4. Severability. Should any portion of this Ordinance or the affected Code Section(s) be held invalid by a court of competent jurisdiction, the remainder shall not be affected.

16.10.210 Skindiving.

(a) No person may engage in skindiving or scuba diving in waters other than marked swimming areas or within 150 feet of shoreline unless the location of such diving is distinctly marked by a diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe three inches wide on a red background and high enough above the water to be clearly visible at a distance of 100 yards. Anyone so diving shall not rise to the surface outside a radius of 50 feet from such flag.

(b) No persons engaged in such diving shall interfere with anyone fishing, block any boat from proceeding to its destination, nor engage in such diving in established traffic lanes. [Code 2002 § 58-91.]

16.10.220 Boats equipped with toilets.

No person shall operate any boat equipped with toilets on inland waters of this state unless the toilet wastes are retained for shore disposal by means of facilities constructed and operated in accordance with rules adopted by the Department of Health and Social Services. [Code 2002 § 58-92.]

16.10.230 Traffic lane defined.

A traffic lane is established embracing the surface of Turtle Lake within the corporate limits of the town in its entirety, excepting therefrom that portion of the waters lying between the shoreline and a line parallel to and 175 feet from the shoreline and such greater distance as shall be necessary to clear projecting piers, wharfs and any other similar structures a distance of 100 feet from the projecting extremities thereof. [Code 2002 § 58-93.]

16.10.240 Speed restrictions.

Repealed by Ord. dated 9/19/2017-2. [Code 2002 § 58-94.]

16.10.250 Swimming regulations.

(a) Swimming from Drifting Boats Prohibited. No person shall swim from any boat unless such boat is anchored.

(b) Distance from Swimmer to Base. No person shall swim more than 175 feet from the shore or more than 50 feet from any pier, anchored raft or boat unless he is accompanied by a boat manned by a competent person trained in lifesaving techniques and having a ring buoy. Such boat shall stay reasonably close to and guard such swimmer. If there is more than one swimmer in the water, each shall be accompanied by a separate boat as described in this subsection.

(c) Hours Limited. No person shall swim in the traffic lane as marked by buoys during the hours from sunset to sunrise. [Code 2002 § 58-95.]

16.10.260 Water skiing regulations.

(a) No person shall operate a boat for the purpose of towing a water skier or engage in water skiing or other similar sport from 2:00 p.m. through 10:00 a.m. on weekends and holidays nor shall they do so from 6:00 p.m. through 10:00 a.m. on any other day.

(b) There shall be no more than two persons using such tow lines as a means of water skiing or similar sport; the persons being towed must be equipped with an approved life jacket, life belt or similar life saving device.

(c) Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this chapter.

(d) There shall be no water skiing, aquaplaning or similar sport outside the traffic lane. [Code 2002 § 58-96.]

16.10.270 Aircraft prohibited.

No aircraft of any kind capable of landing on water shall land, take off, or be berthed on the frozen or unfrozen surface of the waters covered by this chapter, except for the temporary purpose of an emergency landing. [Ord. dated 6/21/2022 § 1. Code 2002 § 58-98.]

16.10.280 Littering waters prohibited.

No person shall deposit, place or throw from any boat, raft, pier, platform or similar structure or from the shore cans, bottles, debris, refuse, solid or liquid waste or paper on or into the water of the lake. [Code 2002 § 58-99.]

16.10.290 Violation – Penalty.

(a) Any person violating RMC 16.05.010 shall be fined not more than $200.00 or imprisoned not more than six months or both.

(b) Any person violating RMC 16.10.270 shall be fined $1,000.00 or imprisoned not more than 30 days, or both, for the first offense; and fined $5,000.00 or imprisoned not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year.

(c) Any person violating any provision of this chapter for which a penalty is not provided by subsection (a) or (b) of this section shall be fined not more than $50.00 or imprisoned not more than 30 days, or both, for the first offense; and fined not more than $100.00 or imprisoned not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year. [Ord. dated 6/21/2022 §§ 2, 3. Code 2002 § 58-100.]

Chapter 16.15
WHITEWATER AND RICE LAKES

Sections:

Article I. Repeal of Conflicting Ordinances

16.15.010 Repeal of conflicting ordinances.

16.15.020 Applicability and enforcement.

Article II. Boating Generally

16.15.030 State boating and water safety laws adopted.

16.15.040 Forfeitures and deposits.

16.15.050 Deposit and bail schedule.

Article III. Additional Regulations

16.15.060 Intent.
16.15.070 Applicability and enforcement.
16.15.080 Traffic lane.
16.15.090 Water skiing.
16.15.100 Speed restrictions.
16.15.110 Swimming regulations.
16.15.120 Aircraft prohibited.
16.15.130 Mooring of boats.
16.15.140 Organized events and displays.
16.15.150 Additional traffic rules.
16.15.160 Forfeitures.

Article IV. Lake Accesses

16.15.170 Intent.
16.15.180 Citations.
16.15.190 Improvements on accesses.
16.15.200 General use of accesses.
16.15.210 Special uses of accesses.
16.15.220 Special use permits.
16.15.230 Parking on accesses.
16.15.240 Storage of items on lake accesses.
16.15.250 Alteration and encroachment of accesses.

Article V. Town Road Access to Lake Areas

16.15.260 Intent.
16.15.270 Citations.
16.15.280 Piers and boat lifts in or to town roadways prohibited.
16.15.290 Presumptions.
16.15.300 Storage of items on lake accesses.
16.15.310 Parking on town roadways contiguous to lakes prohibited.

Article VI. Procedure

16.15.320 Citation – Nature, issuance, release of accused.

16.15.330 Failure of defendant to appear.
16.15.340 Bond.

Article I. Repeal of Conflicting Ordinances

16.15.010 Repeal of conflicting ordinances.

All ordinances regulating water traffic, boats, boating or water sports upon the waters covered by this chapter and all ordinances and parts of ordinances in conflict with the ordinance codified in this chapter heretofore enacted by the town of Whitewater and the town of Richmond, Walworth County, Wisconsin, are hereby repealed. [Ord. dated 5/11/2004 Art. I.]

16.15.020 Applicability and enforcement.

The provisions of this chapter shall apply to the waters of Whitewater Lake and adjoining channels and lying within the corporate limits of the towns of Richmond and Whitewater, Walworth County, Wisconsin. The towns of Richmond and Whitewater agree that each township may apply different numbering to the ordinance codified in this chapter, and it will have no effect on the ordinance itself. [Ord. dated 2/26/2010 § 5; Ord. dated 5/11/2004 Art. I-A.]

Article II. Boating Generally

16.15.030 State boating and water safety laws adopted.

The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of the statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by the provisions of the statutes incorporated by reference in this chapter is required or prohibited by this chapter as follows:

Operate boat without valid certificate of number

Give permission to operate boat without valid certificate of number

Fail to have certificate of number on boat

Failure to display registration number or decal on boat

Fail to transfer certificate of number or title

Failure of purchaser to apply for registration or title

Fail to notify of abandonment or destruction of boat

Fail to notify of change of address

Operate boat between sunset and sunrise without required lights

Moored boats and structures beyond 200 feet from shore without lights

Operate a personal watercraft from sunset to sunrise

Operate without proper equipment

Operate without proper muffler or in excess of maximum noise levels

Failure to provide proper number of personal flotation devices (PFDs)

Fail to wear a PFD on a personal watercraft

Required safety devices

Failure to have required fire extinguishing equipment aboard

Operate at speed greater than slow-no-wake on lakes 50 acres or less

Reducing speed and yielding right-of-way to patrol boats

Fail to stop for officer

Improper passing when meeting “head to head” right-of-way

Failure to yield right-of-way

Failure to yield right-of-way to sailboat or rowboat

Failure to yield right-of-way when overtaking or passing

Duty of boat granted right-of-way

Unreasonable or imprudent speed

Operate at speed in excess of posted notice

Operate motorboat within 100 feet of dock, raft or pier at a speed in excess of slow-no-wake speed

Operate a PWC greater than slow-no-wake speed within 100 feet of another boat

Duty to report accidents

Fail to render aid at boating accident

Falsifying distress signal

Negligent operation

Operation by incapacitated person or minor

Creating hazardous wake or wash

Facing backward while operating a PWC

Operating in circular course

Creating wake while towing with a PWC

Riding on decks or gunwales

Restricted areas

Anchoring in traffic lanes

Illegal mooring buoys (daily)

Overloading

Unnecessary sounding of whistles

Molesting or destroying aids to navigation and regulatory markers

Operate a motorboat while intoxicated

Operate motorboat with alcohol concentration above 0.10 percent

Cause injury by intoxicated operation of motorboat

Refusal to take chemical test, intoxicated motorboat operation

Operating boat towing water skier without observer

Operating boat towing water skier between sunset and sunrise

Operate a personal watercraft not designed for three people while towing a water skier

Water skiing, within 100 feet of restricted area

Water skiing, within 100 feet of a personal watercraft

Intoxicated skier or aquaplaner

Unlawfully engage in skin diving

Operate boat with improperly sealed toilet

Inadequate onshore disposal facilities

[Ord. dated 5/11/2004 Art. II-1.]

16.15.040 Forfeitures and deposits.

Forfeitures or violation of any of the above provisions shall be assessed in accordance with Wis. Stats. Section 30.80. [Ord. dated 5/11/2004 Art. II-1.]

16.15.050 Deposit and bail schedule.

The towns of Whitewater and Richmond shall set deposits and bail in accordance with the amounts listed for each violation in the “State of Wisconsin Revised Uniform Deposit and Bail Schedule for Conservation, Environmental Protection, Boating, Snowmobile and ATV Violations” as published by the Wisconsin Judicial Commission, January 2001, and which may be updated by the Wisconsin Judicial Commission from time to time. [Ord. dated 5/11/2004 Art. II-1.]

Article III. Additional Regulations

16.15.060 Intent.

It is the intent of this article to provide free access to Whitewater and Rice Lakes for all users and further provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public needs and the capacity of the water resource. To this end, the towns of Whitewater and Richmond set forth the following additional provisions. [Ord. dated 5/11/2004 Art. II-2.]

16.15.070 Applicability and enforcement.

(a) This article shall apply to the waters of Rice Lake and Whitewater Lake lying within the corporate limits of the towns of Whitewater and Richmond. The provisions of this article shall be enforced by a patrol officer or officers appointed by and under the jurisdiction of the towns.

(b) Officers patrolling the waters as part of a water safety patrol unit may stop and board any boat for the purpose of enforcing Wis. Stats. Sections 30.50 to 30.80 and for conducting search and rescue operations, if the officers have reasonable cause to believe there is a violation of the sections, rules or ordinances or the stopping and boarding of any boat is essential to conduct a search and rescue operation. [Ord. dated 5/11/2004 Art. II-2.]

16.15.080 Traffic lane.

(a) A traffic lane is hereby established embracing the surface of Rice and Whitewater Lakes, Walworth County, Wisconsin, in their entirety, excepting therefrom that portion of the waters thereof lying between the shoreline and a line parallel to 200 feet distant from the shoreline, and excepting therefrom the northwest, northeast and southwest bays. These exceptions are

designated “slow-no-wake” areas. All channels shall be deemed “slow-no-wake” areas. [Ord. dated 1/21/2025.]

(b) No pier shall extend further into the lakes from the shoreline than 50 feet, no raft shall be anchored or moored where it extends into a traffic lane, no private buoy shall be located in a traffic lane, and no boat shall be moored where it can drift into a traffic lane. All provisions of this section shall be consistent with Wis. Stats. Section 30.13. [Ord. dated 5/11/2004 Art. II-2.]

16.15.090 Water skiing.

(a) Prohibited at Certain Times – Exceptions.

(1) Except as provided in subsection (a)(2) of this section, no person may operate a motorboat towing a person on water skis, aquaplane or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if they in fact can observe such person being towed and relay any signals to the operator. This observer requirement does not apply to motorboats classified as class A motorboats by the department actually operated by the person being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. No person shall operate a boat for the purpose of towing a water skier or engage in water skiing except between the hours of 9:00 a.m. and 7:00 p.m. or sunset, whichever is earlier, Friday, Saturday, holidays, and the day preceding a holiday. Water skiing and boat wakes are permitted Sunday, Monday, Tuesday, Wednesday and Thursday from 9:00 a.m. to sunset except if one of these days would be a legal holiday or the day preceding a holiday.

(2) This does not apply to duly authorized water ski tournaments, competitions, exhibitions or trials therefor, where adequate lighting is provided.

(b) Careful and Prudent Operation. A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such a boat in a careful and prudent manner and at a reasonable distance from the persons and property so as not to endanger the life or property of any person.

(c) Restriction. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any lake shall engage in such activity within 100 feet of any occupied anchored boat or marked swimming area or public boat landing except where pick up and drop are established and marked with regulatory markers.

(d) Tow Lines. There shall be no more than two tow lines and only two persons using the tow lines as a means of water skiing or similar sport. The persons being towed must be equipped with a Coast Guard approved personal flotation device. No tow line shall exceed 75 feet in length.

(e) Observance of Rules. Any boat engaged in towing a person on water skis, aquaplane or similar device must conform to all sections of this article and, in addition, must operate in a counterclockwise pattern on both lakes and inlet and outlet in the traffic lane.

(f) Towed or Untowed Flight Banned. No water skier behind any boat will be permitted to be lifted into the air by any means including parasailing, hang gliding or other means, whether the tow remains in place or not, after the skier is aloft.

(g) To become duly authorized to conduct water ski tournaments, competitions, exhibitions or trials, the applicant must do all of the following:

(1) Appear before the town boards of Richmond and Whitewater with a practice and show schedule and present a plan with all dates and times including the length of each event, before

the start of the season, or not less than 30 days in advance of a single event. Both town boards will be required to approve and authorize any practice and show schedule.

(2) Have a parking plan as to handle the parking of the event participants and the spectators.

(3) Have a commitment from an insurance company for liability insurance that indemnifies and holds harmless the towns of Richmond and Whitewater in an amount as directed by each board.

(4) Have in place a representative living in Walworth County who can be contacted at any time during the water ski season regarding any problems by either the town of Whitewater or Richmond, as related to water ski tournaments, competitions, exhibitions or trials, parking, insurance, zoning, noise or the equipment used in that activity. The applicant shall also present a listing of the names, addresses and phone numbers of all officers or managers of the organization that is applying to conduct a water ski tournament, competition, exhibition or trial.

(5) At the appearance before the town boards the applicant for authorization should be prepared to answer questions related to the zoning of the property that is proposed for the water ski tournament, competition, exhibition or trial, and have in writing a signed document from any land owner, where the event is proposed, that they have authorized the use of the property for that purpose. The board may direct that authorization be obtained from adjacent land owners before the event is authorized.

(6) The authorization granted by the towns for water ski tournaments, competitions, exhibitions or trials is conditional upon performance of all items as stated above, and additional conditions as may be imposed by each board, and is not a license. [Ord. dated 5/11/2004 Art. II-2.]

16.15.100 Speed restrictions.

(a) All boats shall operate at a slow-no-wake speed after 7:00 p.m. or sunset, whichever is earlier, on Fridays, Saturdays, holidays and the day preceding a holiday, to 9:00 a.m. the following day. All other days, water skiing will be permitted from 9:00 a.m. until sunset. The maximum speed outside the traffic lane shall be “slow-no-wake” at all times every day of the week.

(b) This shall not apply to boats participating in duly authorized races, water ski tournaments or exhibitions, or over a course laid out, plainly marked and adequately patrolled.

(c) In the event the water level on Whitewater Lake exceeds an elevation of 892.56 feet above sea level, which is the same as 1.60 feet on the ruler bolted to the left upstream wall of the dam at the northerly end of Whitewater Lake, or in the event of a catastrophe, disaster, riot or civil commotion upon the waters of either Whitewater or Rice Lake, which impairs transportation, medical services, fire, health or police protection on the waters, either the town chairperson of the town of Whitewater or the town board of the town of Whitewater can declare an emergency and impose upon the entire body or bodies of waters of either Whitewater or Rice Lakes a “slow-no-wake” speed restriction on watercraft operating on the waters of the lake or lakes, to last until the waters recede below 1.60 feet on the ruler, or until the particular emergency situation is resolved.

(d) On top of this dam there is a Wisconsin Railroad Commission metal circular benchmark, set at 895.63 feet above sea level. The top of the ruler bolted to the left upstream wall of the dam is 1.33 feet below the benchmark; 1.60 feet on the ruler is 1.74 feet below the top of the ruler.

(e) “Slow-no-wake” is the speed at which a boat moves as slowly as possible while still maintaining steerage control.

(f) The slow-no-wake restriction will be posted at all public watercraft access locations on Whitewater and Rice Lakes when in effect. [Ord. dated 5/14/2008; Ord. dated 5/11/2004 Art. II-2.]

16.15.110 Swimming regulations.

(a) Swimming from Boats Prohibited. No person shall swim from any boat unless such boat is anchored and unless the swimmers stay within 25 feet of the boat. Boats used as bases for swimmers shall be adequately supplied with Coast Guard approved flotation devices to be used in emergencies.

(b) No person shall swim more than 150 feet from the shore nor shall any person do any distance swimming unless he or she is accompanied by a boat containing a ring buoy or Coast Guard approved personal flotation device and person trained in life saving techniques. For this type of swimming, if there be more than one swimmer, each shall be accompanied by a boat. No person shall swim in a traffic lane from sunset to sunrise. [Ord. dated 5/11/2004 Art. II-2.]

16.15.120 Aircraft prohibited.

No aircraft of any kind capable of landing on water shall land, take off, or be berthed on the frozen or unfrozen surface of the waters covered by this chapter, except for the temporary purpose of an emergency landing. [Ord. dated 6/21/2022 § 4; Ord. dated 5/11/2004 Art. II-2.]

16.15.130 Mooring of boats.

No person, firm or corporation shall dock or moor any boat on the waters or along the shores of Rice and Whitewater Lakes for the purpose of living, sleeping or camping. [Ord. dated 5/11/2004 Art. II-2.]

16.15.140 Organized events and displays.

(a) No person, persons or corporations shall organize or participate in any event or display upon the surface of Whitewater or Rice Lake without first obtaining a permit for such activity from the town board of the town in which the activity shall be held.

(b) Request for a permit for organized events or displays shall be presented to the town board in triplicate before the second Monday of the month preceding the event.

(c) Request for a permit shall describe the event, time of the event, and area of the lake to be used.

(d) Upon action by the proper town board, one copy of the permit shall be returned to the applicant, and one copy to be retained by the town clerk.

(e) It is unlawful for any person or persons, during an organized event or display approved by either of the town boards, to anchor any boat within the designated area for the organized event or to in any way interfere with the participants or the organized event in any manner. [Ord. dated 5/11/2004 Art. II-2.]

16.15.150 Additional traffic rules.

In addition to the foregoing, the following rules shall apply to boats using the waters of Rice and Whitewater Lakes:

(a) Mooring Lights Required. No person shall moor or anchor any boat, raft, buoy or other floating object or permit it to drift in the traffic lane described in RMC 16.15.080 between sunset and sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction (360 degrees) for a distance of one mile on a dark night with clear atmosphere. This subsection does not apply to duly authorized water ski

tournaments, competition exhibits, or displays or trials thereof where adequate lighting is provided.

(b) The drivers or operators of all boats by means of which aquaplanes, water skis or similar objects are being towed, and the riders of such aquaplanes, water skis or similar objects, must conform to the same rules and clearances as provided for in this article. [Ord. dated 5/11/2004 Art. II-2.]

16.15.160 Forfeitures.

(a) Any person violating RMC 16.15.120 shall be fined $1,000 or imprisoned not more than 30 days, or both, for the first offense; and fined $5,000 or imprisoned not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year.

(b) Any person who shall violate the provisions of this article other than RMC 16.15.160 shall forfeit not less than $10.00 nor more than $200.00, together with costs imposed by law. [Ord. dated 6/21/2022 § 5; Ord. dated 5/11/2004 Art. II-2.]

Article IV. Lake Accesses

16.15.170 Intent.

It is the intent of this article to provide for safe public use of the accesses held in trust by the towns of Whitewater and Richmond, Walworth County, Wisconsin, and to preserve the natural resources in these areas. [Ord. dated 5/11/2004 Art. II-3.]

16.15.180 Citations.

Citations for violations of any of the following provisions shall follow the procedure listed in Wis. Stats. Sections 66.119 and 66.12. Cash deposit for violation shall be a minimum of $35.00 for the first violation and shall not exceed $200.00 for succeeding offenses. [Ord. dated 5/11/2004 Art. II-3.]

16.15.190 Improvements on accesses.

As provided in Wis. Stats. Section 236.16, nothing in this article shall require either of the towns to improve the land provided for public access. [Ord. dated 5/11/2004 Art. II-3.]

16.15.200 General use of accesses.

The general public may use the accesses for getting fishing, boating and recreational equipment to the lake on those accesses where terrain and soil conditions make possible safe and reasonable movement of such equipment from the nearest public highway to the lake. No use of the lake access that is in violation of state, federal or county statutes shall be permitted. [Ord. dated 5/11/2004 Art. II-3.]

16.15.210 Special uses of accesses.

Special uses of the lake accesses shall include but not be limited to: research groups, weed harvesting and chemical treatment operators, sea wall construction operators, and heavy equipment operators. [Ord. dated 5/11/2004 Art. II-3.]

16.15.220 Special use permits.

(a) Special use operators shall file with the town clerk in which the work is to be done an application for a special lake access use permit. Such application shall describe the date of the beginning and ending of the operation, the special equipment to be used, provisions for public safety provided, evidence of liability insurance adequate to cover all possible accidents or

damage to other persons, equipment or to terrain or vegetation on the access, provision for restoring the access to its condition at the start of the operation, evidence of state, county or federal permits required, an agreement to cease operation and remove equipment within 48 hours of an order of that town board, and the nature of and length of time any materials will be stored on the access. That town board may require a bond to be posted by the applicant for possible costs in restoring the site to its condition prior to the special use. The town may require the applicant to sign a statement freeing the town from liability to other users while the special use is in progress or as a result of that special use.

(b) The town board in which the work is to be done shall, in open meeting, review the application for special use of the access or accesses. That town board shall approve or disapprove the application. In the event of approval, the town board will designate which access or accesses may be used, the time of each use and shall direct the clerk to issue the permit. This permit must be displayed on the access or accesses while the work is in progress. As the work progresses, the town board may inspect, or cause to be inspected, the operation. If upon inspection the operation is not deemed to be in the public interest or violates any town ordinance or any of the terms or conditions of the permit, it may require the operator to cease and desist in the operation and restore the access or accesses to the condition that existed at the start of the operation. The board may require the operator to surrender his permit for the operation. [Ord. dated 5/11/2004 Art. II-3.]

16.15.230 Parking on accesses.

Parking shall be permitted on the access in designated areas only between the hours of 6:00 a.m. to 11:00 p.m. If parking areas are not designated, all parking shall be done in such a manner that the public may have unimpeded access to the lake at all times. The town boards, in their respective jurisdiction, may designate no parking areas when such areas are in the best public interest. Stopping or standing a vehicle on the access shall be only for short periods of time and shall be done in a sharing manner with other access users.

Any person who shall violate the provisions of this chapter if a sign stating the parking rule for that access has been posted by the town board, shall forfeit not less than $10.00 nor more than $200.00, together with costs imposed by law. [Ord. dated 5/11/2004 Art. II-3.]

16.15.240 Storage of items on lake accesses.

Storage of any material or materials, equipment, weeds or bog material shall be for a minimal length of time. Any storage shall be allowed only after a special use permit has been issued to the person or persons needing to store materials on the access in order to perform lake-oriented services. Such permit shall be for the shortest possible storage period. Materials stored on the lake accesses shall be only of those materials necessary for lake projects such as, but not limited to, weed harvesting, bog removal, chemicals for authorized treatment of aquatic nuisances, materials for erosion and eutrophication control, and navigation and traffic control devices and research equipment.

Any person who shall violate the provisions of this chapter shall forfeit not less than $10.00 nor more than $200.00, together with costs imposed by law. [Ord. dated 5/11/2004 Art. II-3.]

16.15.250 Alteration and encroachment of accesses.

No person shall alter the natural terrain of the access by drainage, planting or cultivating vegetation without special permit issued by the town board after acquiring assurance in writing from state and county agencies that such alteration is not in violation of state and county statutes and ordinances. No person shall encroach upon any access by alteration of boundaries, construction of buildings, drainage of liquids, or deposition of solid waste materials.

Any person who shall violate the provisions of this chapter shall forfeit not less than $10.00 nor more than $200.00, together with costs imposed by law. [Ord. dated 5/11/2004 Art. II-3.]

Article V. Town Road Access to Lake Areas

16.15.260 Intent.

It is the intent of this article to provide for safe public use of the roadways held in trust by the towns of Whitewater and Richmond, Walworth County, Wisconsin, and to preserve the natural resources of lakes in these areas. Control of contiguous roadways and safe usage of the lakes are interrelated. Both towns have had problems with the use of piers from areas of town roads including parked vehicles, roadway obstruction, unsafe fishing activities, picnics and placement of personal property on town roads. [Ord. dated 5/11/2004 Art. II-4.]

16.15.270 Citations.

Citations for violations of any of the following provisions shall follow the procedure listed in Wis. Stats. Sections 66.119 and 66.12. Cash deposit for violation shall be a minimum of $100.00 for the first violation, $200.00 for the second violation, and $300.00 for the third and each succeeding offenses. Each day of placement of a pier or boat lift in the right-of-way or to the right-of-way is a separate violation. [Ord. dated 5/11/2004 Art. II-4.]

16.15.280 Piers and boat lifts in or to town roadways prohibited.

No one shall be allowed to place a pier or boat lift in the right-of-way or to the right-of-way of a town road. This is applicable to town roads laid out as public highways under Wis. Stats. Section 80.01(1) or unrecorded highways under Wis. Stats. Section 80.01(2). This is applicable to any land accreted to a town road right-of-way that is laid out as public highways. [Ord. dated 5/11/2004 Art. II-4.]

16.15.290 Presumptions.

The town boards presume that the piers are being placed from town roadways at the direction and request of any owners who moor watercraft to them. Unless there is clear evidence to the contrary (i.e., that someone other than the boat owner placed the pier or lift in the roadway), the citation shall be issued to the registered owner of any boat moored to the pier or placed in the boat lift. [Ord. dated 5/11/2004 Art. II-4.]

16.15.300 Storage of items on lake accesses.

No one shall be allowed to place any item, in a roadway contiguous to the lake, in the right-of-way of a town road.

Any person who shall violate the provisions of this chapter shall forfeit not less than $10.00 nor more than $200.00, together with costs imposed by law. [Ord. dated 5/11/2004 Art. II-4.]

16.15.310 Parking on town roadways contiguous to lakes prohibited.

Parking on either side of a roadway that is contiguous to any lake in either the town of Richmond or the town of Whitewater is prohibited if the roadway has been posted with no parking signs.

Any person who shall violate the provisions of this chapter, if a sign stating the parking rule for that access has been posted by the town board, shall forfeit not less than $10.00 nor more than $200.00, together with costs imposed by law. [Ord. dated 5/11/2004 Art. II-4.]

Article VI. Procedure

16.15.320 Citation – Nature, issuance, release of accused.

(a) Nature. A citation under this section is a directive, issued by a law enforcement officer, that a person appear in court and answer charges. A citation is not a criminal complaint and may not be used as a substitute for a criminal complaint.

(b) Authority to Issue – Effect. A law enforcement officer may issue a citation to any person whom he or she has reasonable grounds to believe has committed a violation of any provisions of this chapter. A citation may be issued in the field or at the headquarters or precinct station of the officer instead of or subsequent to a lawful arrest. If a citation is issued, the person cited shall be released on his or her own recognizance unless the law enforcement officer requires the person cited to post a bond. In determining whether to require a bond, the law enforcement officer may consider whether:

(1) The accused has given proper identification.

(2) The accused is willing to sign the citation.

(3) The accused appears to represent a danger of harm to himself or herself, another person or property.

(4) The accused can show sufficient evidence of ties to the community.

(5) The accused has previously failed to appear or failed to respond to a citation.

(6) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with law enforcement agency policies.

(c) Contents. The citation shall do all of the following:

(1) Identify the offense and section which the person is alleged to have violated, including the date, and if material, identify the property and other persons involved.

(2) Contain the name and address of the person cited, or other identification if that cannot be ascertained.

(3) Identify the officer issuing the citation.

(4) Direct the person cited to appear for his or her initial appearance in a designated court, at a designated time and date.

(d) Service. A copy of the citation shall be delivered to the person cited, and the original must be filed with the circuit court.

(e) Citation No Bar to Criminal Summons or Warrant. The prior issuance of a citation does not bar the issuance of a criminal summons or a warrant for the same offense, provided the citation is dismissed after the criminal summons or warrant is issued.

(f) Preparation of Form. The judicial conference shall prescribe the form and content of the citation under Wis. Stats. Section 758.171. [Ord. dated 5/11/2004 Art. II-4.]

16.15.330 Failure of defendant to appear.

(a) If the person so arrested for violation of this chapter and released fails to appear personally or by an authorized attorney or agent before the court at the time fixed for the hearing, the money deposited by the accused pursuant to the provisions of this chapter shall be retained and used for the payment of the forfeiture, which forfeiture may be imposed either with or without cost as determined by the court after the ex parte hearing upon the accused. The excess, if any, shall be returned to the person who makes the deposit upon his making application for the

same. If the accused is found not guilty, then the entire amount of the deposit shall be returned to the depositor.

(b) Any person violating any of the terms of this chapter shall be subject to arrest whether at the time of the arrest he is on the waterways or upon the shore, and any water patrol officer may pursue the offender ashore to enforce the terms of this chapter. [Ord. dated 5/11/2004 Art. II-4.]

16.15.340 Bond.

The law enforcement officer or any town police officer may accept money or bond deposits from any person charged with a violation of this chapter, and upon receipt of the bond shall issue a receipt for the bond received to the person. The law enforcement officer or town police officer or the county court shall deliver forfeited bond deposits to the town treasurer upon order of the county court and within seven days after the court issues the order. [Ord. dated 5/11/2004 Art. II-4.]

Chapter 16.20
LAKE LORRAINE

Sections:

16.20.010 General provisions.

16.20.020 Slow-no-wake.

16.20.030 Aircraft prohibited.

16.20.040 Violation – Penalty.

16.20.010 General provisions.

The general provisions as stated in Chapter 16.05 RMC control the waters of Lake Lorraine unless specified below. [Ord. dated 9/19/2017-1 § 2.]

16.20.020 Slow-no-wake.

(a) The term “slow-no-wake” as used in this section is defined as the slowest possible speed necessary to maintain steerage.

(b) In the event of shore or water conditions on Lake Lorraine which may impair transportation, safety, or property, either the town chair, by order, or the town board, by resolution, may, in their discretion, declare and impose a “slow-no-wake” speed restriction on watercraft operating anywhere and at any time on Lake Lorraine. Water level may be determined by a fixed measuring device created in the discretion of the town board.

(c) In the event the town chair declares and imposes a “slow-no-wake” speed restriction under this chapter, the town board shall review the declaration at its next regular or special meeting, and shall either reaffirm, rescind, or declare limitations upon the town chair’s declaration. Before the town board takes such action, the town chair may, in his or her discretion, lift the imposition of the speed restriction. In the event the town board imposes a speed restriction, or reaffirms the town chair’s imposition of such a restriction, and unless otherwise specified by the town board, the town chair may, in his or her discretion, lift the imposition of any speed restriction imposed under this section. [Ord. dated 9/19/2017-1 § 3.]

16.20.030 Aircraft prohibited.

No aircraft of any kind capable of landing on water shall land, take off, or be berthed on the frozen or unfrozen surface of the waters covered by this chapter, except for the temporary purpose of an emergency landing. [Ord. dated 6/21/2022 § 6.]

16.20.040 Violation – Penalty.

Any person violating any provision of this chapter for which a penalty is not otherwise provided in this code or by state law shall be fined $1,000.00 or imprisoned not more than 30 days, or both, for the first offense; and fined $5,000 or imprisoned not more than 90 days, or both, upon conviction of the same offense a second or subsequent time within one year. [Ord. dated 6/21/2022 § 7.]

Title 17
LAND DIVISION

Chapters:

17.05 Land Division

Chapter 17.05
LAND DIVISION

Sections:

17.05.010 Title – Purpose.
17.05.020 Authority.
17.05.030 Intent.
17.05.040 Abrogation and greater restrictions.
17.05.050 Interpretation.
17.05.060 Disclaimer of liability.
17.05.070 Repeal.
17.05.080 General provisions.
17.05.090 Requirement improvements.
17.05.100 Construction.
17.05.110 Administrative and other fees.
17.05.120 Preliminary plat.
17.05.130 Final plat.
17.05.140 Certified survey map.
17.05.150 Condominium plat and plan.
17.05.160 Definitions.
17.05.170 Severability.

Cross-reference: RMC Title 12, Streets, Sidewalks and Public Places, and RMC Title 15, Buildings and Construction.

17.05.010 Title – Purpose.

This chapter is entitled “Land Division.” The purpose of this chapter is to regulate and control the division of land within the corporate limits of the town of Richmond, Wisconsin, in order to promote the public health, safety, prosperity, aesthetics and general welfare of the town and its environs. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-1.]

17.05.020 Authority.

These regulations are adopted under the authority granted by Wis. Stats. Section 236.45. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-2.]

17.05.030 Intent.

It is the general intent of this chapter to regulate the division of land so as to:

(a) Obtain the wise use, conservation, protection and proper development of the town's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

(b) Lessen congestion in the streets and highways.

(c) Further the orderly layout and appropriate use of land.

(d) Secure safety from fire, panic and other dangers.

(e) Provide adequate light and air.

(f) Facilitate adequate provision for housing, transportation, storm water, wastewater, schools, parks, playgrounds and other public facilities and services.

(g) Secure safety from flooding, water pollution, disease and other hazards.

(h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.

(i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.

(j) Preserve natural vegetation and cover and promote the natural beauty of the town.

(k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.

(l) Facilitate the further division of larger tracts into smaller parcels of land.

(m) Ensure adequate legal descriptions and property survey monumentation of subdivided land.

(n) Provide for the administration and enforcement of this chapter.

(o) Provide penalties for violation of this chapter.

(p) Implement those municipal, county, watershed or regional comprehensive plans or their components adopted by the town and in general, to facilitate enforcement of town development standards as set forth in the adopted regional, county and local comprehensive plans and adopted plan components. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-3.]

17.05.040 Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-4.]

17.05.050 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 town and shall not be deemed a limitation or repeal of any other power granted by law. Nothing in this chapter is intended to be more restrictive than the time limits, deadlines, notice requirements and other provisions of Wis. Stats. Ch. 236 that provide protections for an applicant. To the extent any provision of this chapter conflicts with the time limits, deadlines, notice requirements or other provisions of Wis. Stats. Ch. 236 that provide protections for an applicant, the provisions of Wis. Stats. Ch. 236 shall apply. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-5.]

17.05.060 Disclaimer of liability.

The town does not guarantee, warrant or represent that only those areas delineated as flood lands on plats and certified survey maps will be subject to periodic inundation, nor does the town guarantee, warrant or represent that the soils shown to be unsuited for a given land use from tests required by ordinance are the only unsuited soils. There is no liability on the part of the town board, its agencies or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-6.]

17.05.070 Repeal.

All other ordinances or parts of ordinances of the town inconsistent or conflicting with this chapter, to the extent of inconsistency only, are hereby repealed. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-7.]

17.05.080 General provisions.

(a) Jurisdiction. The provisions of this chapter apply to all lands within the town of Richmond, Walworth County, Wisconsin. The provisions of this chapter as it applies to divisions of tracts of land into less than five parcels shall not apply to:

(1) Transfer 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) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances or other applicable laws or ordinances.

(b) Compliance. No person, firm or corporation shall divide any land located within the town so that such division results in a subdivision, minor land division or replat as defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land, without compliance with all requirements of this chapter and the following documents:

(1) Wis. Stats. Ch. 236, and all amendments and modifications thereto.

(2) Provisions of the Wisconsin Administrative Code 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) Rules of the Wisconsin 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 applicant abuts on a state trunk highway or connecting street.

(4) Duly approved master plan or comprehensive plan component of the town of Richmond.

(5) All applicable state, federal, local and county statutes, codes, regulations, and ordinances, including, but not limited to, the federal Clean Water Act, U.S. Army Corps of Engineers Section 303 Permits, RMC Title 12, Streets, Sidewalks and Public Places, and RMC Title 15, Buildings and Construction.

(6) Wisconsin Administrative Code Sections NR 151, NR 216, NR 103 and Wis. Stats. Ch. 30, as applicable.

(c) Violations. It is unlawful to divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes; and no person, firm or corporation shall be issued a town building permit, authorizing the building on, or improvement of, any lot or any part of any

subdivision, minor subdivision, minor land division, or replat within the jurisdiction of this chapter until the provisions and requirements of this chapter have been fully met. The town may institute appropriate action or proceedings to enjoin violations of this chapter.

(d) Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than $100.00 nor more than $500.00 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

(e) Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stats. Section 236.13(5), within 30 days of notification of the rejected plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

(f) Dedication and Reservation of Lands for Streets, Highways and Drainage Ways. Whenever a tract of land to be divided within the jurisdiction of this chapter encompasses all or any part of an arterial or collector street, drainage way or other public way which has been designated on a duly adopted town or regional comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by the applicant in the locations and dimensions indicated on said plan or component. The town, in its discretion, may permit or require the creation of a private road, to be maintained by the owner at such owner's expense and consistent with the other town ordinances, to the standards set forth in the municipal code for a public roadway.

(g) Improvements. Before final approval of any plat or certified survey map located within the jurisdictional limits of this chapter, the applicant shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the applicant shall, before the recording of the plat, enter into a contract with the town agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the town attorney or a certified check in the amount equal to 125 percent of the estimated cost of the improvements. Said estimate is to be made by the town board after review and recommendation of the town engineer, as a guarantee that such improvements will be completed by the applicant or his subcontractors not later than two years from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

(1) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to review by the plan commission upon approval of the town engineer and the town attorney.

(2) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

(3) Survey Monuments. Before final approval of any plat with the town, the applicant shall install survey monuments placed in accordance with the requirements of Wis. Stats. Section 236.15, and as may be required by the town engineer.

(h) Special Exceptions. Where, in the judgment of the town board, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the town board may grant a special exception from any requirement to the extent deemed just and proper. No special exception to the provisions of this chapter shall be granted unless the town board finds that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:

(1) Exceptional Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this chapter would result in severe hardship. Such hardships should not apply generally to other properties or be of such recurrent nature as to suggest that the land division ordinance should be changed.

(2) Preservation of Property Rights. That such special exception is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(3) Absence of Detriment. That the special exception will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

The town board may waive the placing of monuments, required under Wis. Stats. Section 236.15(1)(b), (c) and (d), for a reasonable time, not to exceed one year, on condition that the applicant execute a surety bond to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon a showing of reasonable cause. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-8.]

17.05.090 Requirement improvements.

(a) Survey Monuments. The applicant shall install survey monuments placed in accordance with the requirements of Wis. Stats. Ch. 236.15, and as may be required by the town engineer.

(b) Grading. After the installation of temporary block corner monuments by the applicant and establishment of street guides by the town engineer, the applicant shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the town plan commission, upon the recommendations of the town engineer. The applicant shall grade the roadbeds in the street rights-of-way to subgrade. Cut and filled lands shall be graded to a maximum slope of 1:4 or the soil angle of repose, whichever is the lesser, and covered with permanent approved grasses as outlined in the current issue of the Wisconsin Standard Specifications for Road and Bridge Construction. Also, the fill material should be compacted in accordance with the current regulations of the Wisconsin Standard Specifications for Road and Bridge Construction or the approved plans and specifications.

(c) Surfacing. After the installation of all utility and storm water drainage improvements, the applicant shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or the comprehensive plan components of the town.

All roadways shall be built to town road standards as set forth in Wis. Stats. Section 82.50, and all subsequent amendments and modifications, and be surfaced with a four-inch hot mix bituminous concrete pavement, made up of a two-and-one-half-inch binder course and one-and-one-half-inch surface course, placed on a 10-inch-thick crushed stone base. The bituminous pavement shall be constructed in stages.

The binder course shall be placed initially upon completion of the utilities, and the surface course shall be placed at such time as 75 percent of the lots within the subdivision have been developed, but not sooner than one year or longer than two years after the date the binder course was placed, or a date as otherwise agreed to by the town board. Any repair to the binder course prior to the placement of the surface course will be at the expense of the applicant. Said surfacing shall be done in accordance with plans and standard specifications approved by the town board upon the recommendation of the town engineer.

(d) Rural Street Sections.The applicant shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the town board, as recommended by the town engineer.

(e) Storm Water Drainage Facilities. The applicant shall construct storm water drainage facilities adequate to serve the subdivision which may include road ditches, open channels, water detention/retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. The applicant shall comply with the Walworth County storm water ordinance and Wisc. Admin. Code Chapter NR 151. In addition:

(1) Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grassed water ways. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight or very slight erosion hazard, the applicant shall install check dams, flumes or other energy dissipating devices.

(2) Shoreland drainage facilities shall, if required, include water detention/retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating devices and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the town engineer.

(f) Water Supply Facilities. When public water supply and distribution facilities are available to the subdivision plat, the applicant shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The applicant shall make provision for adequate water systems as required by the standards of the Wisconsin Department of Natural Resources and the Wisconsin Department of Commerce. Where public water supply and distribution facilities are not available, each building shall have its own well or water supply.

(g) Other Utilities. The applicant shall cause gas, electrical power, telephone facilities and cable television facilities to be installed in such manner as to make adequate service available to each lot on the subdivision. No such electrical or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, electric, cable television and telephone lines required to service the plat shall be approved by the town engineer.

(h) Street Signs. The applicant shall install at the intersections of all streets proposed to be private or dedicated a street sign of a design approved by the town board, as recommended by the town engineer. The applicant shall also install the required stop or yield signs.

(i) Roadways. It is the policy of the town to encourage the use of private roads in subdivisions, rather than the dedication of new public road. Subject to this policy, the following provisions govern the construction of public and private roads:

(1) Public Roads. A base coat for public roads in subdivisions shall generally be constructed approximately one year after general construction in the subdivision. A finish coat shall be constructed later at a time to be established by the town engineer. Both layers of the roadway shall be inspected by the town engineer. The times established for construction of the base coat and finish coat may be altered by the town engineer with approval of the town board.

(i) Any costs involved with the inspection and the review of the engineering plans as related to roadways shall be borne by the applicant.

(ii) Any public road shall be built to the standards of town roads as contained in the Town of Richmond Municipal Code.

(iii) Any costs involved with the inspection and the review of the base coat and the as built roadway shall be borne by the applicant.

(2) Private Roads and Common Development Areas. Private roads and common areas within the development shall be maintained by the applicant and/or subdivision association. If a private road is built, it need not be built to town road specifications, but shall comply with any requirements imposed by Walworth County. Unless waived by the town board, the town shall only, upon the request of the applicant, homeowners' and/or subdivision association, accept an approved and built private road as a public road if it is engineered and built to the same standards as a public road. Deeds to homeowners should state that any road built as a private road may not be accepted by the town as a public road in the future.

(j) Sediment Control. The applicant shall plant those grasses, trees and vines, of a species and size specified by the town board, necessary to prevent soil erosion and sedimentation. The applicant shall comply with any and all county and state codes and ordinances related to erosion control. In addition:

(1) The town board may require the applicant to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.

(2) Tree cutting and shrubbery clearing shall not exceed 50 percent of the lot or tract and shall be so conducted as to prevent erosion and sediment; preserve and improve scenic qualities; and during foliation, substantially screen any development from stream or lake users.

(3) Paths and trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the town board, and shall be so designed and construed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

(4) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, water way construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning shall be so conducted as to prevent erosion and sedimentation and to least disturb natural fauna, flora, water course, water regimen and topography.

(k) Street Lights. If applicable, the applicant shall install street lights as determined by the town board.

(l) Ownership and Maintenance of Certain Elements. Designated common open space, private roads and common facilities shall be owned and managed by one or a combination of the following:

(1) A homeowners' association.

(2) A condominium association established in accordance with the Condominium Ownership Act, Wis. Stats. Ch. 703.

(3) A nonprofit conservation organization.

(4) The town or another governmental body empowered to hold an interest in real property.

(5) An individual who will use the land for open space purposes as provided by a conservation easement.

(m) Homeowners' Association.

(1) A homeowners' association shall be established by applicant if the common open space is proposed to be owned by a homeowners' association. Membership in the association shall be mandatory for all purchasers of homes or land in the development and their successors. The bylaws and the declaration of covenants, conditions, and restrictions of the homeowners' association shall guarantee continuing maintenance of the open space and other common facilities, and shall be submitted for approval to the town board as part of the information required for the preliminary plat.

(2) The homeowners' association bylaws of the homeowners' association or the declaration of covenants, conditions, and restrictions shall contain the following information:

(i) The legal description of the common land and/or private road(s).

(ii) A description of common facilities.

(iii) The restriction placed upon the use and enjoyment of the lands or facilities.

(iv) Persons or entities entitled to enforce the restrictions.

(v) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.

(vi) A mechanism for resolving disputes among the owners or association members.

(vii) The conditions and timing of the transfer of ownership and control of land or facilities to the association.

(viii) Any other matter applicant deems appropriate.

(n) Condominium Association. If the common open space and facilities is to be held as a condominium under Wis. Stats. Ch. 703, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a "common element" as defined in Wis. Stats. Section 703.01(2).

(o) Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the town board. The conveyance to the nonprofit conservation organization is subject to town board approval and must contain appropriate provisions for reversion in the event the organization becomes unwilling or unable to uphold the terms of the conveyance.

(p) Public Dedication. The town board may accept dedication of fee title or a conservation easement to the common open space if, at a minimum:

(1) The common open space is accessible to the residents of the town.

(2) The town board agrees to, and has access to, maintain the common open space.

(3) Streets or other public ways which have been designated on a duly adopted official map or element of the town comprehensive plan shall be dedicated or reserved by applicant to the town. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this chapter.

(q) Individual Ownership. An individual may hold fee title to the land while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.

(r) Maintenance Plan. Every applicant for a subdivision must provide a plan to properly manage the common open space in perpetuity and to properly manage and maintain all common facilities, including any stormwater facilities and private roads. This plan shall be approved by the town board prior to final plat approval.

(1) The plan shall:

(i) Designate the ownership of the open space and common facilities in accordance with subsection (l) of this section.

(ii) Establish necessary regular and periodic operation and maintenance responsibilities.

(iii) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis.

(iv) Include a land stewardship and maintenance plan specifically focusing on the long-term management of common open space lands and private roads. A private road maintenance agreement, in a form approved by the town board, shall be recorded as a part of the deed for every parcel or unit of property to which the private road provides access. The maintenance agreement shall be binding on all parties, shall guarantee a financial mechanism for, and actual, regular maintenance of the private road by all owners of property to which the private road provides access.

(2) In the event that the organization established to own and maintain the open space, common facilities, and/or private roads, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition in accordance with the maintenance plan or agreement and all applicable laws, rules, and regulations, the town board may serve written notice upon such organization, and upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made.

(i) Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case any bond or other financial guaranty of the performance may be forfeited, and any permits may be revoked or suspended.

(ii) The town board or its designee may enter the premises and take corrective action.

(iii) The costs of any corrective action taken by the town board shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The town clerk shall file a notice of such lien in the office of the county register of deeds. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-9.]

17.05.100 Construction.

(a) Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved by the town board and the town engineer has given written authorization. Inspection fees shall be required as specified in RMC 17.05.110.

(b) Building Permits. No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

(c) Plans. The following plans and accompanying construction specifications shall be required by the town board, reviewed by the town engineer and approved by the town board before authorization of construction or installation of improvements:

(1) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.

(2) Storm sewer plans and profiles, if any, showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.

(3) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.

(4) Planting plans showing the locations, age, diameter at a height of four feet and specifications of any required grasses, vines, shrubs and trees.

(5) Additional special plans or information as required.

(d) Erosion Control. The applicant shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented, in accordance with the plans and specifications approved by the town board upon recommendation of the town engineer.

The applicant shall comply with any and all applicable county and state codes and ordinances and shall provide the town board and town engineer with a copy of any and all permits received. In addition:

(1) Sod shall be laid in strips at those intervals necessary to prevent erosion and right angles to the direction of drainage.

(2) Temporary vegetation and mulching shall be used to protect critical areas and permanent vegetation shall be installed as soon as practical.

(3) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

(4) Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

(e) Existing Flora. The applicant shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

(f) Inspection. The applicant, prior to commencing any work within the subdivision, shall notify the town clerk to make arrangements with the town engineer to provide for adequate inspection. The town engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

(g) Other Improvements.

(1) Any and all other improvements that are required by the county to be performed by the applicant must be dealt with in a similar manner as private roads (i.e., if there is extensive drainage or other improvement(s) that may need to be to maintained in the future); such costs must be borne by the homeowners and be addressed within the covenants or by a deed restriction.

(2) Additionally, in the covenants or by deed restriction, the town board shall be granted access to the property to maintain any item that may be causing damage or could potentially cause damage (for instance: the town has a right to cross any out-lots to maintain drainage canals so

that adjoining properties are not otherwise flooded). The applicant should state that the homeowners' association will maintain common elements, but in an emergency the town board has a right to cross any properties to attend to problems. The homeowners' association and/or lot owners shall reimburse the town for any such work.

(3) The standards for the construction of any improvement should be included for engineering review (i.e., retaining walls should indicate the means of construction including the height with the walls, construction methods, etc.). [Ord. dated 11/19/2013 § 1. Code 2002 § 59-10.]

17.05.110 Administrative and other fees.

(a) General. An applicant shall pay all the costs incurred by the town as a result of the applicant's request for plat or subdivision development. These can include, but are not limited to, engineer, attorney, surveyor or construction specialist fees. The fee schedule shall be included with the application information packet.

(b) Contribution. The town board may require that, as part of the development process, the applicant contribute for particular items that may be necessary for public health and safety. For instance, if a high-rise condominium is proposed by the applicant, the town board may require that the applicant bear all costs for the acquisition of any new and required equipment for the local fire department to service that building.

(c) Administrative Fee. The applicant shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the town in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the town and the applicant. These fees may also include the cost of obtaining professional opinions of including, but not limited to, attorneys, engineers, landscape architects and land planners, requested by the town board or plan commission in connection with the land division being considered.

(d) Professional Consultant Fee. The town board may retain the services of professional consultants, including planners, engineers, architects, attorneys, environmental specialists, recreational specialists and other experts, to assist in the town's review of a proposal coming before the plan commission or the town board. The submittal of a development proposal application or petition by an applicant shall include an agreement to pay for such professional review services applicable to the proposal. The town board may charge the costs for these services to the applicant. The town board may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the applicant. Review fees which are charged to an applicant, but which are not paid, may be levied by the town as a special assessment against the subject property.

(e) Deposit. At the time of submission of a plat or certified survey, the plan commission or the town board, in its sole discretion, may require the applicant to make a good faith deposit with the treasurer to cover, in all or part, the expenses anticipated to be incurred by the town because of land division. Unused portions of such fund shall be refunded to the applicant.

(f) Engineering Fee. The applicant shall pay a fee equal to the actual cost to the town for all engineering work incurred by the town in connection with the plat or certified survey map, including inspections required by the town pursuant to RMC 17.05.100(f). The applicant shall pay a fee equal to the actual cost to the town for such engineering work and inspection as the town board and/or town engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the town or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.

(g) The applicant shall pay to the town treasurer at the time of the first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review a fee of:

(1) Five hundred dollars plus $10.00 for each lot or parcel within the preliminary plat.

(2) One hundred dollars plus $10.00 for each lot or parcel within the certified survey map.

(3) One hundred dollars plus $10.00 for each unit within a condominium plat.

(h) Building permit fees may be determined by the town board. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-11.]

17.05.120 Preliminary plat.

(a) General. A preliminary plat shall be required for all subdivisions, shall comply with Wis. Stats. Ch. 236, and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(1) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.

(2) Property location of the proposed subdivision by government lot, quarter-section, township, range, county and state.

(3) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section.

(4) Date, graphic scale and north arrow.

(5) Names and addresses of the owner, applicant and land surveyor preparing the plat.

(6) Entire area contiguous to the proposed plat owned or controlled by the applicant shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The town board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from strict application thereof.

(b) Plat Data. All preliminary plats shall show the following:

(1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and total acreage encompassed thereby and shall comply with Wis. Stats. Ch. 236.

(2) Existing and proposed contours at vertical intervals of not more than two feet where the slope of surface is less than 10 percent and of not more than five feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level).

(3) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum.

(4) Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record.

(5) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroads and utility rights-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto.

(6) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929) datum.

(7) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.

(8) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such land shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size and invert elevations.

(9) Location of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto.

(10) Location, width and names of all proposed roadways, public rights-of-way, such as alleys and easements.

(11) Approximate dimensions of all lots together with proposed lot and block numbers.

(12) Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping center, church sites or other private uses not requiring platting.

(13) Approximate radii of all curves.

(14) Existing zoning on and adjacent to the proposed subdivision.

(15) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(16) Any proposed lake and stream improvement or relocation.

(17) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.

(18) Location of soil boring tests, where required by the Wisconsin Administrative Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat.

(19) Location of soil percolation tests where required by the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such test shall be submitted along with the preliminary plat.

(c) Street Plans and Profiles. The town plan commission, upon the recommendation of the town engineer, may require that the applicant provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions or a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be

based upon National Geodetic Vertical Datum (NGVD) and plans and profiles shall meet the approval of the town engineer.

(d) Testing. The town board, upon the recommendation of the town engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. The town does not guarantee, warrant or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the town and thereby asserts that there is no liability on the part of the town board, its agencies or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the preliminary plat.

(e) Soil and Water Conservation. The town board, upon the recommendation of the town engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the development of the applicant to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth by the Wisconsin Department of Natural Resources, as well as any and all relevant county and state requirements, and shall be in accordance with standards set forth in this chapter.

(f) Covenants. The town board shall require submission of a draft of covenants, whereby the applicant intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and the approval of the town attorney.

(g) Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features that he has fully complied with the provisions of this chapter.

(h) Review. Before submitting a final plat for approval, the applicant shall prepare a preliminary plat with supporting data and a letter of application. The applicant shall file an adequate number of copies of the plat, with supporting data and the application, with the town clerk together with all necessary fees. In addition:

(1) Within two days after the preliminary plat is submitted for approval, legible copies, together with a list of the authorities to which the plat must be submitted for approval, under Wis. Stats. Section 236.10, or objection under this subsection, furnished by the applicant at the applicant's expense, shall be sent by the town clerk to the following agencies which have authority to object to the plat:

(i) Two copies each – the Director of Plat Review, Wisconsin Department of Administration and, if applicable, the clerk of a city or village having extraterritorial jurisdiction who shall examine the plat for compliance with Wis. Stats. Sections 236.15, 236.20 and 236.21(1) and (2).

(ii) Two copies – Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street.

(iii) Two copies – Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made.

(iv) Two copies – Wisconsin Department of Natural Resources if shoreland areas are contained within the proposed subdivision.

(v) Four copies – Walworth County planning, zoning and sanitation committee.

(2) In lieu of the procedure under subsection (h)(1) of this section, the applicant may submit the original plat to the town clerk which shall forward the requisite copies to each of the agencies authorized by subsection (h) of this section to object. The town clerk shall have the required number of copies made at the applicant's expense.

(3) The town clerk shall also transmit a copy of the preliminary plat and supporting data to all other affected town commissions or departments, school districts and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the town plan commission within 15 days from the date the plat is filed. The preliminary plat and supporting data shall then be reviewed by the town plan commission and town engineer for conformance with the municipal code, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans. The town plan commission shall then recommend approval, conditional approval or rejection of the preliminary plat to the town board which shall act upon the preliminary plat at its next duly noticed meeting.

(i) Approval. Any objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat and supporting data, notify the applicant and all other approving and objecting agencies of any objections based upon failure of the plat to comply with this chapter or rules which its examination under Wis. Stats. Section 236.12(2) is authorized to cover. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the town plan commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. In addition:

(1) The town board shall, within 90 days of the date of filing of a preliminary plat and supporting data with the town clerk, approve, approve conditionally, or reject such plat. One copy of the plat shall thereupon be returned to the applicant with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the town board's file.

(2) Failure of the town board to act within 90 days or within the time as extended by agreement with the applicant shall constitute an approval of the preliminary plat as filed.

(3) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval and conforms substantially to the preliminary plat as indicated in Wis. Stats. Section 236.11(1)(b), the final plat shall be entitled to approval. The preliminary plat and supporting data shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the town plan commission and town board at the time of its submission. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-12.]

17.05.130 Final plat.

(a) General. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. Section 236.20.

(b) Additional Information. The plat shall show correctly on its face, in addition to the information required by Wis. Stats. Section 236.20, the following:

(1) Exact length and bearing of the centerline of all streets.

(2) Exact street width along the line of any obliquely intersecting street.

(3) Railroad rights-of-way within and abutting the plat.

(4) Setbacks or building lines.

(5) Utility and/or drainage easements.

(6) Street addresses on each lot as determined by the town clerk.

(7) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(8) Special restrictions required by the town board relating to access control along public ways or to the provision of platting strips.

(b) Deed Restrictions. The town board may require that deed restrictions be filed with the final plat and shall be recorded with the approved plat.

(c) Survey Accuracy. The town engineer shall examine all final plats and may make, or cause to be made by a registered land surveyor under the supervision or direction of the town engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

(1) Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance of position, the ratio of one part in 10,000, nor in azimuth, of four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(2) All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000 or an error in measure angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.

(3) Where the plat is located within a U.S. Public Land Survey quarter-section in the corners of which have been relocated, monumented and coordinated by the town of Richmond, Walworth County or the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the tie required by Wis. Stats. Section 236.20(3)(b), shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

(4) The town board shall receive the results of the town engineer’s examination prior to approving the final plat.

(e) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of Wis. Stats. Section 236.15.

(f) State Plane Coordinate System. Where the plat is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the town of Richmond, Walworth County or SEWRPC, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and

Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the town's control survey.

(g) Certificates. All final plats shall provide all the certificates required by Wis. Stats. Section 236.21, and the surveyor shall certify that he has fully complied with all the provisions of this chapter.

(h) Recordation. After the final plat has been approved by the town board and improvements required by the town either installed or a contract and surety bond insuring their installation is filed, the town clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the applicant for recording with the Walworth County register of deeds. The register of deeds shall not record the plat unless it is offered within 12 months from the date of the last approval and within 36 months of the date of first approval and all additional requirements of Wis. Stats. Section 236.25(2) have been met.

(i) Review. The applicant shall prepare a final plat and a letter of application and shall file an adequate number of copies of the plat and the application with the town clerk. In addition:

(1) Within two days after the final plat is submitted for approval, legible copies, together with a list of the authorities to which the plat must be submitted for approval under Wis. Stats. Section 236.10 or objection under this subsection, shall be furnished by the applicant at the applicant's expense to the town clerk. Copies shall be sent by the town clerk to the following agencies which have authority to object to the plat:

(i) Two copies each – the Director of Plat Review, Wisconsin Department of Administration and, if applicable, the clerk of a city or village having extraterritorial jurisdiction who shall examine the plat for compliance with Wis. Stats. Sections 236.15, 236.20 and 236.21(1) and (2).

(ii) Two copies – Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street.

(iii) Two copies – Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made.

(iv) Two copies – Wisconsin Department of Natural Resources if shoreland areas are contained within the proposed subdivision.

(v) Four copies – Walworth County planning, zoning and sanitation committee.

(vi) One copy – each of the affected public or private utilities.

(vii) Ten copies and an original – the town board.

(2) In lieu of the procedure under subsection (i)(1) of this section, the applicant may submit the original plat to the town clerk which shall forward the stated number of copies to each of the agencies authorized by subsection (i) of this section to object. The town clerk shall have the required number of copies made at the applicant's expense.

(3) The town plan commission shall examine the final plat as to its substantial conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; the municipal code, and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which may affect it, and shall recommend approval or rejection of the plat to the town board. The conclusion and recommendation are not required to be in writing but must be made part of the public record at the proceeding in which the final plat is being considered.

(4) Partial Platting. If permitted by the town board, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the applicant proposes to record at one time; however, each such phase shall be final platted and designated as a “phase” or “addition” to the approved preliminary plat.

(j) Final Plat Approval. Objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the applicant and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the town plan commission. If any objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

(1) If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, the town board may refuse to approve the final plat or may extend the time for submission of the final plat.

(2) The town plan commission shall, within 30 days of the date of filing of the final plat with the town clerk, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the town board. In examining the final plat, the town plan commission shall apply only those requirements which were in effect on the date the preliminary plat was filed or, if no preliminary plat was filed, those requirements in effect on the filing date of the final plat.

(3) The town board shall, within 60 days of the date of filing the original final plat with the town clerk, approve or reject such plat unless the time is extended by agreement with the applicant. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons supplied to the applicant. The town board may not inscribe its approval of the final plat unless the town clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days, or if filed, have been met.

(4) Failure of the town board to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved and, upon demand, a certificate to that effect shall be made on the face of the plat by the town clerk. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-13.]

17.05.140 Certified survey map.

(a) General. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Wis. Stats. Section 236.34. The minor subdivision shall comply with the design standards and improvement requirements set forth in this chapter.

(b) Required Information. The map shall show correctly on its face, in addition to the information required by Wis. Stats. Section 236.34, the following:

(1) All existing structures, watercourses, drainage ditches and other features pertinent to proper land division.

(2) Setbacks or building lines.

(3) Utility and/or drainage easements.

(4) Street addresses on each lot as determined by the town clerk.

(5) All lands reserved for future acquisition.

(6) Date of the map.

(7) Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record.

(8) Graphic scale and north arrow.

(9) Name and address of the owner, applicant and surveyor.

(c) Additional Information. The town board may require that the following additional information be provided when necessary for the proper review and consideration of the map:

(1) Existing contours at vertical intervals of not more than two feet where the slope of the ground surface is less 10 percent and of not more than five feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.

(2) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the Wisconsin Department of Natural Resources (DNR).

(3) Location of soil boring tests, where required by the Wisconsin Administrative Code, made to a depth specified by the town engineer. The number of such tests shall be adequate to portray the character of the soil and depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test for three acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.

(4) Location of soil percolation tests, where required by the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

(5) The town board may require that the entire area contiguous to the land outlined in the proposed certified survey map owned or controlled by the applicant be included on the certified survey map even though only a portion of said area is proposed for immediate development.

(d) State Plane Coordinate System. Where the map is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the town of Richmond, Walworth County or the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearings and the distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearing shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the town’s control survey.

(e) Certificates. The surveyor shall certify on the face of the map that he has fully complied with all provisions of this chapter. The town board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

(f) Recordation. The applicant shall record the map with the Walworth County register of deeds. The register of deeds shall not record the map unless it shows on its face all of the required certificates and affidavits and it is offered for record within six months after the date of the last approval of the map and within 24 months after the first approval of the map.

(g) Review and Approval. The applicant shall prepare the certified survey map in accordance with this chapter and shall file 10 copies of the map and the letter of application with the town clerk.

(1) The town clerk shall, within two days after filing, transmit the copies of the map and letter of application to the town plan commission.

(2) The town clerk shall transmit a copy of the map to the town engineer and all affected town boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the Walworth County land conservation committee and to the Southeastern Wisconsin Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the town plan commission within 10 days from the date the map is filed.

(3) The map shall be reviewed by the town plan commission for conformance with the municipal code and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components, and neighborhood plans as may be applicable. The town plan commission shall, within 60 days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the town board.

(4) The town board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified survey map within 90 days from the date of filing of the map unless the time is extended by agreement with the applicant. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the map is approved, the town board shall cause the town clerk to so certify on the face of the original map and return the map to the applicant. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-14.]

17.05.150 Condominium plat and plan.

(a) General.

(1) A condominium plat prepared by a registered land surveyor is required for all condominiums. It shall comply in all respects with the requirements of Wis. Stats. Ch. 703. A condominium development plan shall also be required for all condominiums and shall comply with the design standards set forth in the town development standards.

(2) A preliminary condominium plat shall be submitted to the plan commission for all tracts of land proposed to be developed as a condominium, and shall show all the data required for preliminary plats.

(3) Preliminary and final condominium plats shall be submitted, reviewed, and approved or disapproved in the same fashion as preliminary and final plats for land divisions, as set forth above.

(b) Additional Information. The preliminary and final condominium development plan shall show correctly on its face, in addition to the information required by Wis. Stats. Section 703.11, the following:

(1) Date of plan.

(2) Graphic scale.

(3) Name and address of the condominium owner, condominium developer, and land surveyor.

(4) All existing buildings, proposed structures, streets, watercourses, drainage ditches, and other features pertinent to the development.

(5) Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes flowages, and wetlands.

(6) Additional building setback lines required by the town board which are more restrictive than the regulations of the zoning district in which the condominium is located or which are proposed by applicant and are to be included in recorded protective covenants.

(7) Additional yards required by the town board which are more restrictive than the regulations of the zoning district in which the condominium is located.

(8) All lands reserved for future public acquisition.

(9) Existing contours in the area of the land to be developed.

(10) Floodplain and shoreland boundaries and the contour line lying at a vertical distance of two feet above the elevation of the 100-year recurrence interval flood.

(11) General location sketch showing the location of the proposed land division.

(12) Any additional information the town board finds that it requires relative to a particular problem presented by a proposed condominium development.

(c) POWTS. All private on-site wastewater treatment systems shall be designed and permitted in accordance with the Wisconsin Administrative Code and as required by the county.

(d) Density. Adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the zoning district in which it is located.

(e) Review and Approval.

(1) An applicant for a condominium shall prepare and submit a conceptual condominium plan, a preliminary condominium plan, and a final condominium plan for review by the plan commission and the town board.

(2) The plan commission and the town board shall review the proposed plan, the subject property, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, and the effects of the proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

(3) The plan commission and the town board may approve the proposed plan; provided, that the proposed uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the town. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-15.]

17.05.160 Definitions.

(a) General Definitions. For the purpose of this chapter, the following definitions shall be used. 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 “shall” is mandatory and not directory.

(b) Specific Words and Phrases.

“Applicant” means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, minor land division or replat. “Applicant” shall include at least one owner of the subject property. Multiple applicants shall be jointly and severally liable for all requirements imposed under this chapter.

“Arterial street” means a street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.

“Collector street” means a street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

“Comprehensive plan” means the extensively developed plan, also called a master plan, including detailed neighborhood plans, proposal for future land use, transportation, urban development and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

“Minor land division” or “minor subdivision” means any division of land not defined as a “subdivision.” Minor land divisions include the division of land by the owner or applicant resulting in the creation of two, but not more than four, parcels or building sites, any one of which is less than 35 acres in size; or the division of a block, lot or outlot with a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a certified survey map and shall comply with Wis. Stats. Ch. 236 and this chapter.

“Public way” means any public road, street, highway, walkway, drainage way or part thereof.

“Replat” means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

“Subdivision” means the division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of five acres each or less in area; or where the act of division creates five or more parcels or building sites of five acres each or less in area by successive division within a period of five years.

“Surety bond” means a bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the applicant. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-16.]

17.05.170 Severability.

If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. [Ord. dated 11/19/2013 § 1. Code 2002 § 59-17.]

Title 18
LAND USE

Chapters:

18.05 Conservation Easements

Chapter 18.05
CONSERVATION EASEMENTS

Sections:

18.05.010 Definitions.

18.05.020 Role of the plan commission in conservation easements.

18.05.030 Acquisition of conservation easements.

18.05.040 Alienation of acquired interests.

18.05.050 Conflict of interest.

18.05.060 Amendment or repeal.

18.05.010 Definitions.

In this chapter:

“Board” means the town of Richmond board of supervisors.

“Commission” means the town of Richmond plan commission.

“Conservation easement” means a holder’s nonpossessory interest in real property within the town of Richmond imposing a limitation and/or an affirmative obligation the purpose of which includes protecting viable farm operations, farmland, wood lot, wetland, and other appropriate property to maintain the rural character of the town of Richmond. This will include preserving scenic vistas and environmentally significant areas, including wetlands, lakes, streams and wood lots, creating and preserving significant environmental areas and agricultural areas, protecting the town of Richmond from overdevelopment and preserving encroachment of neighboring cities and villages, restricting land divisions, retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, and preserving the historical, architectural, archaeological or cultural aspects of real property. In a poll of every land owner in the town in 2007, maintaining the rural and agricultural nature of the township was a goal repeated in almost every response, and this chapter is part of the plan to meet that goal.

“Conservation interest” means a holder’s interest in a conservation easement, a third-party right of enforcement in a conservation easement or fee title interest in real property.

“Holder” means the town of Richmond. [Ord. 2008-002 § 1.]

18.05.020 Role of the plan commission in conservation easements.

The town plan commission may, at the direction of the town board, do the following:

(a) Recommend selection criteria and may recommend the acquisition of interests in specific parcels of real property to be acquired by the town for rural preservation purposes.

(b) Recommend expending of funds for costs associated with the purchase or acceptance of donated holders’ interests in conservation easements as defined, respectively, in Wis. Stats. Sections 700.40(1)(b) and (1)(c).

(c) Recommend the appropriation and expenditure of funds for the purchase of land for the purpose of rural preservation. The commission may recommend such conditions and restrictions on the appropriation as necessary and appropriate to protect the town's interests in rural preservation.

(d) Recommend changes to the conservation easement program and suggestions as to how the acquisition program may be integrated with the town of Richmond's land use plan and other local and regional land use plans.

(e) Make application for grants, gifts and other sources of funding to the public, governmental agencies at the state and federal level; and private land conservancy organizations for the purpose of purchasing conservation easements. [Ord. dated 8/19/2014 § 1; Ord. dated 8/15/2013 § 2(a – i); Ord. 2008-002 § 2.]

18.05.030 Acquisition of conservation easements.

The town board is authorized to acquire conservation interests in real property in the town of Richmond's name for the purpose of rural preservation as provided herein.

(a) Conservation Easement Purchases. The board may expend funds for costs associated with the purchase or acceptance of donated holders' interests in conservation easements as defined, respectively, in Wis. Stats. Sections 700.40(1)(b) and (1)(c).

(b) Land Purchases. The board may appropriate and expend funds for the purchase of land for the purpose of rural preservation. The board may attach such conditions and restrictions on the appropriation as the board considers necessary and appropriate to protect the town's interests in rural preservation.

(c) Voluntary Conveyances. The board may acquire by purchase or donation conservation interests only from willing owners and may not exercise its power of eminent domain to acquire such interests.

(d) Indirect Costs. In addition to the purchase price therefor, the board may expend funds for the payment of indirect costs associated with the conduct of the program, including costs of administration and acquisition of conservation interests, including but not limited to survey costs, title evidence, attorneys' fees, appraisers' fees, environmental assessments, transfer taxes and recording fees.

(e) The terms of conservation easements obtained pursuant to this chapter shall provide that the easements are not assets of the town of Richmond and are not subject to adjustment under Wis. Stats. Section 66.0235, in the event the land subject to the easements is annexed by a city or village. [Ord. dated 8/15/2013 § 2(j); Ord. 2008-002 § 3.]

18.05.040 Alienation of acquired interests.

Except where the intention to reconvey a conservation interest is expressly provided for in the board's authorization to acquire such interest, no conservation interest acquired by the town under the provisions of this chapter shall thereafter be alienated, unless all of the following conditions have been met:

(a) The board has conducted at two annual town meetings (in different years) a public hearing for the purpose of considering the proposed alienation. The person, agency or transferee proposing this alienation shall have the affirmative duty to notify each and every property owner in writing by U.S. mail, not more than 30 and not less than 10 days before the annual town meetings of the agenda.

(b) A resolution in support of the proposed alienation is adopted by unanimous affirmative vote of every resident in attendance at both town annual meetings.

(c) A resolution in support of the proposed alienation is adopted by unanimous affirmative vote of the members of the town board after both town annual meetings. [Ord. dated 8/15/2013 § 2(k); Ord. 2008-002 § 4.]

18.05.050 Conflict of interest.

No person may participate in any deliberation of the plan commission or of the town board in the consideration or determination of any expenditure under this chapter in which the person, a member of the person's family, or an organization with whom the person is affiliated has a financial interest. [Ord. 2008-002 § 5.]

18.05.060 Amendment or repeal.

This chapter may be amended or repealed only by unanimous affirmative vote of the board following a public hearing and approval by unanimous affirmative vote of all town residents in attendance at the next annual town meeting. [Ord. 2008-002 § 6.]