

TOWN OF EASTON

MARATHON COUNTY, WISCONSIN

CODE OF ORDINANCES

ADOPTED 2023

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Chapter 1: Administration

1-1 Code Interpretation.

- A. For purposes of this Code of Ordinances, the following words have the following meanings unless clearly indicated otherwise in the text:
 - 1. "Town" or "Township" means the Town of Easton, Marathon County, Wisconsin.
 - 2. "Town Board" or "Board" means the Town's Town Board.
 - 3. "Person" means a person, firm, partnership, corporation, or other legal entity of any kind.
- B. The titles or headings of chapters, ordinances, sections, subsections, or any other subparts are not themselves a part of the ordinances.
- C. The singular includes the plural, and the plural includes the singular.
- D. Words importing one gender extend and may be applied to any gender.
- E. The present tense of a verb includes the future when applicable. The future perfect tense includes past and future tenses.

1-2 Severability.

If any provision of these Ordinances is invalid or unconstitutional or if the application of these Ordinances to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of these Ordinances which can be given effect without the invalid or unconstitutional provisions or applications.

1-3 Fee schedule.

Fees for permits, licenses, and other Town services shall be as established from time to time as required by law of the Town Board and set forth in a fee schedule adopted and maintained by the Town. A copy of the fee schedule shall be available for inspection and copying in the office of the Town Clerk.

1-4 Ordinance enforcement; penalties.

- A. Penalty schedule. Penalties for violation of any provision of this Code that are not specifically addressed in the Code shall be subject to the general penalty schedule set forth in this Section; except that if a statute requires a penalty to conform to the statute, then such statutory penalty shall be used.
- B. General penalty. Unless otherwise specifically provided for in this Code, any person violating any of the provisions of this Code shall be subject to a penalty as follows:
 - 1. First offense. For the first offense, forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not for a period exceeding 30 days.
 - 2. Second offense. For the second and all subsequent offenses of the same provision or ordinance within a period of one year, forfeiture of not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs of prosecution are paid, not to exceed 90 days and not to exceed the amount authorized by statute.
 - a. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from initiating and maintaining any other appropriate action to prevent or remove a violation of any provision of this Code.
 - b. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provision of this Code or ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

1-5 Citation authority.

The county sheriff's department and any other persons as may be designated by the Town Board to enforce Town ordinances may issue citations authorized in this Code. The Town hereby authorizes the Town Chairperson to issue citations.

1-6 Citation form.

- A. Except as provided in Subsection D, the Town prescribes that the form for citations to be issued for violations of Town ordinances shall be as provided in this subsection and shall include all of the following:
1. The name and address of the alleged violator.
 2. The factual allegations describing the alleged violation.
 3. The time and place of the offense.
 4. The section of the ordinance violated.
 5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
 6. The time at which the alleged violator may appear in court and a statement describing whether the appearance is mandatory.
 7. A statement which in essence informs the alleged violator:
 - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b. That if the alleged violator makes such a deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned.
 - c. That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Wis. Stat. ch. 814, not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d. That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under Wis. Stat. § 66.0113(3)(d), or the Town may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Wis. Stat. ch. 814.

- e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stat. § 800.093.
- 8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under Subdivision 7. and shall send the signed statement with the cash deposit.
- 9. Such other information as may be deemed necessary.
- B. The Town Board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits and/or bonds.

Clerk of Court
Marathon County Courthouse
500 Forest Street
Wausau, WI 54403
- C. The schedule of cash deposits that may be required for the various ordinance violations shall be in an amount not to exceed the maximum penalty for the particular violation, plus costs, fees, and surcharges imposed under Wis. Stat. ch. 814, for which a citation may be issued.
- D. The adoption and authorization for use of a citation under this Ordinance does not preclude the Town from adopting any other Ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Ordinance does 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 does not preclude the issuance of a citation under this Ordinance.

1-7 State laws adopted.

- A. The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Stat. chs. 341 to 348 and 350, for which the penalty for

violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.

- B. The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Adm. Code Transportation chs. 110, 347 and 348, except rules pertaining to federal motor carrier safety standards, for which the penalty for a violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.
- C. The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Stat. § 947.01 entitled "Disorderly conduct" and as from time to time amended as if fully set forth herein.

1-8 Alternative Procedure for Bills and Vouchers.

- A. Payment of financial claims against the Town which are in the nature of bills and/or vouchers may be made from the Town treasury under Wis. Stat. § 66.0607 after the Town Clerk reviews and approves in writing each bill or voucher as a proper charge against the treasury, after having determined that:
 - 1. Funds are available under the Town budget to pay the bill or voucher.
 - 2. The item or service covered by the bill or voucher has been duly authorized by the Town Board.
 - 3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 - 4. The claim appears to be a valid claim against the Town.
- B. The Town Clerk may require submission of proof to determine compliance with the conditions under Section 1-8.A.1-4.
- C. The Town Clerk is required to file with the Town Board at least monthly a list of the claims approved under this Ordinance, showing the date paid, name of claimant, purpose, and amount.

1-9 Precondition for Grant of Town License or Permit.

- A. Current accounts required. As a precondition of obtaining or renewing any Town license or permit, all Town taxes, special assessments, special charges, fees, forfeitures, and any other unpaid debt owed to the Town shall be paid in full on a current basis before the grant or renewal of any Town license or permit.

B. New applicants. New applicants with outstanding debts to the Town as described in Subsection A above shall be denied the grant of any Town license or permit.

C. Applicants with existing permissions. Applicants with an existing permission that is not otherwise expiring, but with outstanding debts to the Town as described in Subsection A above, may be denied the grant or renewal of any Town license or permit as follows:

1. If the application is for any type of license or permit that the applicant does not already possess, then such application shall be denied as provided in Subsection A above.

2. If the application is for any type of license or permit that the applicant already possesses, then nonrenewal, suspension, or revocation of such license or permit may occur as follows:

- a. If the respective license or permit has a required process for nonrenewal, suspension, or revocation pursuant to any statute or ordinance, then pursuant to such statute or ordinance.

- b. If the respective license or permit does not have a required process for nonrenewal, suspension, or revocation pursuant to any statute or ordinance, then pursuant to the following:

If the Town determines to nonrenew, suspend, or revoke the license or permit, then the holder of the license or permit shall be given at least 10 days' written notice of a hearing, and is entitled to appear and be heard at the hearing as to why the license or permit should not be nonrenewed, suspended, or revoked. A holder of a license or permit that is nonrenewed, suspended, or revoked may within 20 days of the date of the nonrenewal, suspension, or revocation appeal the decision to the Marathon County Circuit Court for certiorari review by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of \$1,000 with 2 sureties or a bonding company approved by the Town Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license or permit holder.

1-10 Dog License Tax.

- A. Wis. Stat. § 174.05, and as from time to time it is amended, is hereby adopted and incorporated into this Code of Ordinances by reference as if fully set forth herein.
- B. The Town Board shall cause any enacted additional fee for dog licenses to be reflected in the Town's fee schedule.

1-11 Reimbursement of Expenses.

- A. The Town Board may provide for reimbursement of expenses necessarily incurred by any officer or employee of the Town in the performance of official Town duties. The Board may determine who is eligible for expense reimbursement, which expenses are reimbursable, and the amount of reimbursement. Expenses reimbursable under this Section include, but are not limited to:
 - 1. Traveling expenses, including mileage, lodging, and meal expenses.
 - 2. Costs associated with programs of instruction related to the officer's or employee's office or employment.
- B. The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

1-12 Legal Custodians of Public Records.

- A. The Town Clerk is hereby designated as the legal custodian of the Town and is vested with full legal power to render decisions and carry out the Town's public records responsibilities pursuant to Wis. Stat. Ch. 19, Subchapter II.
- B. Paragraph A above notwithstanding, an elective official is the legal custodian of his or her records and the records of his or her office. However, an elective official may designate an employee to act as the legal custodian.
- C. Paragraph A above notwithstanding, the chairperson of a committee of elective officials, or the chairperson's designee, is the legal custodian of the records of the committee. Similarly, the co-chairpersons of a joint committee of elective officials, or their designees, are the legal custodians of the records of the committee.

1-13 Public Access to Records.

- A. The public may obtain information and access to records in the custody of the Clerk or other appropriate legal custodian, make requests for records, or obtain

copies of records, and learn the costs of obtaining copies of records from the Clerk or other appropriate legal custodian upon at least 48 hours' written or oral notice of intent to inspect or copy a record.

- B. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- C. The Town is not required to create a new record by extracting information from existing records and compiling the information in a new format, except that: any requester has a right to receive a copy of a record which is in the form of a comprehensible audio recording substantially as audible as the original or the Town may instead provide a transcript of the recording to the requester if he or she requests; any requester has a right to receive a copy of information contained in the record assembled and reduced to written form on paper if it is not in a readily comprehensible form; and if a record contains information that is subject to disclosure under Wis. Stat. § 19.35(1)(a) or (am) and information that is not subject to such disclosure, the Town shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.
- D. The Town shall provide a requestor with facilities comparable to those used by its employees to inspect, copy, and abstract the record during established office hours. However, the Town is not required to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying, or abstracting of records.
- E. The Town will impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law. Actual, necessary and direct fees for public records requests shall be charged to requestors as follows:
 - 1. The costs of photocopying shall be \$0.15 per page.
 - 2. Other methods of reproduction, including but not limited to photographic or transcriptions, shall be at cost.
 - 3. Computer programming expenses required to respond to a request shall be at cost.
 - 4. Mailing or shipping expenses required to respond to a request shall be at cost.

5. Staff time calculated on the pay rate of the lowest paid employee capable of performing the task, e.g., \$25/hour.
6. Locating a record if the actual cost therefor exceeds \$50.00.
7. The legal custodian shall estimate the cost of all applicable fees and require a prepayment if such estimate exceeds \$5.00.
8. The Town may provide copies of a record without charge or at a reduced charge where the legal custodian determines that waiver or reduction of the fee is in the public interest.
9. Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
10. Continuing or ongoing requests are not possible. Requests can only be made and fulfilled for records that exist at the time the request is made.

1-14 Public Records Access Procedures.

- A. A request to inspect or copy a record shall be made to the legal custodian.
- B. A request is deemed sufficient if it reasonably describes the requested record or the information requested. A request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request and may be denied for those reasons. However, nothing herein this Code shall prevent the legal custodian from contacting the record requestor in an attempt to better identify what the person is seeking.
- C. Upon request for any record a legal custodian shall as soon as practicable and without unnecessary delay either fulfill the request or notify the requester of the Town's determination to deny the request in whole or in part and the reasons therefor.
- D. A requester may be required to show acceptable identification only when the requested record is being kept at a private residence or whenever security reasons or federal law or regulations require it. Otherwise, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
- E. A request may be made orally or in writing and need not be made in person. If a request is made orally, the Town may deny the request orally unless a

demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If the Town denies a written request in whole or in part, the requester shall receive from the Town a written statement of the reasons for denying the written request. Every written denial of a request by the Town shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the attorney general or a district attorney.

- F. No record may be destroyed after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied. Upon written notice that an action relating to a record has been commenced under Wis. Stat. § 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.
- G. In limited circumstances a request can experience minor delay in order to properly notify a record subject pursuant to Wis. Stat. § 19.356.

1-15 Limitations on right of access.

- A. Although there is a presumption of access to a record, the legal custodian must also consider whether there are any explicit rights or prohibitions to access in statute or case law, and finally by a balancing test weighing possible harm against benefit to the public.
- B. If a record contains both information that may be made public and information that may not be made public, the custodian shall provide the information that may be made public and redact the information that may not be made public from the record before release. The custodian shall confer with the Town Attorney, if any, prior to releasing any such record and shall follow the guidance of the Town Attorney when separating out the exempt material. If in the judgment of the custodian and the Town Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.
- C. A requester has a greater right of access than the general public to any personally identifiable information pertaining to the individual in a record

containing personally identifiable information that is maintained by the Town.

1-16 Retention of records.

The Town shall keep the following records for at least the quantified time periods set herein below and by statute unless the state Public Records Board has adopted a shorter period pursuant to Wis. Stat. § 16.61(3)(e), then it shall apply instead upon the Public Records Board's approval of the Town's use of the General Records Schedule:

- A. Do not destroy; retain for an indefinite period: minutes of meetings; original copies of ordinances and ordinance amendments; original copies of resolutions; deeds and other property records; information about plats, certified survey maps, public streets and highways; legal opinions received from the Town Attorney; information on the Village's "Class B" liquor license quota; and insurance policies.
- B. Unless otherwise enumerated in statute or herein below, a record shall be kept at least seven (7) years pursuant to Wis. Stat. § 19.21(4)(b).
- C. Pursuant to Wis. Stat. § 19.21(7), a tape recording of a meeting for the sole purpose of making the minutes can be destroyed no sooner than ninety (90) days after the minutes are approved.
- D. Pursuant to Wis. Stat. § 125.04(3)(i)3, liquor license applications shall be retained for at least four (4) years.
- E. All materials and supplies associated with an election pursuant to Wis. Stat. § 7.23.
- F. Pursuant to Wis. Stat. § 19.21(4)(a), no assessment roll containing land enrolled in the Forest Crop program can be destroyed without prior approval of the Wisconsin Secretary of Revenue.
- G. The Retention of public records until their respective schedules of destruction, as set forth in the "General Records Schedule, Wisconsin Municipal and Related Records" approved by the Wisconsin Public Records Board, and as from time to time it is amended, is hereby adopted and incorporated into this Code of Ordinances by reference as if fully set forth herein.
 - 1. For any record kept or created that is not applicable to or covered by the General Records Schedule, prior to destruction at least sixty (60) days' notice in writing shall first be given to the State Historical Society of Wisconsin.

Chapter 2: Officers, Bodies, & Employees

2-1 Volunteer accounts authorized under Wis. Stat. § 66.0608.

- A. The Town grants the members of any fire department, emergency medical technician department, or first responder department serving the Town the exclusive control over the deposit and expenditure of volunteer funds of such a department.
1. "Volunteer funds" means funds that are raised by the members of the volunteer department, by other volunteers, or by donation to the volunteer department, for the benefit of the volunteer department.
 2. The department shall use an account in the name of the department in a public depository.
 3. "Public depository" means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state which receives or holds any public deposits or the local government pooled investment fund.
 4. The respective department's Chief or that person's designee is designated as the department member who shall have control over the deposit and expenditure of the volunteer funds.
 5. Specific uses of the volunteer funds shall be determined by the Chief or that person's designee.
 6. The Chief or that person's designee shall provide to the Town Board a report describing the collection, deposit and uses made of the volunteer funds upon its request.
 7. Notwithstanding this Ordinance volunteer funds shall remain the property of the Town until the funds are disbursed.

2-2 Board of Review.

- A. Alternate members for Board of Review.
1. Pursuant to Wis. Stats. §§ 70.47(1) & (6m)(c), the Town establishes and shall maintain a public list of names of persons eligible and appointed

by the Town Board to serve as alternate members of the Board of Review.

2. The list shall be arranged and maintained by the Town Clerk in a priority order of probable and likely service as an alternate and kept in the office of the Clerk. The Town Clerk shall notify any named member who has been lawfully removed under Wis. Stats. §§ 70.47(6m)(a) or (b), and shall then notify the alternate member of his or her appointment to replace another member of the Board of Review. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate Wis. Stat. § 19.59, shall then take the oath of office and act as a member of the Board of Review under Wis. Stat. § 70.47(6m) (c).
3. In addition, the appointed Town Clerk (if there is one), if a resident of the Town, is appointed with this Ordinance as a regular voting member of the Board of Review.

B. Confidentiality of income and expense records.

1. The Town provides by this Ordinance for the confidentiality of information about income and expenses that is provided to the Assessor pursuant to Wis. Stat. § 70.47(7)(af), with the necessary exceptions for persons using the information in the discharge of duties imposed by law of or the duties or their office or by order of a court.
2. Information provided to the Town pursuant to Wis. Stat. § 70.47(7)(af) is not subject to the right of inspection and copying pursuant to Wis. Stat. § 19.35(1), the state public records law, unless a court determines that it is inaccurate.

C. Procedures and criteria for allowing alternative forms of sworn testimony.

1. Pursuant to Wis. Stat. § 70.47(8) the Board of Review may consider requests from a property owner or the property owner's representative to appear before the Board under oath by telephone or to submit written statements under oath to the Board of Review.
2. In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures:
 - a. The legal requirement to provide notice of intent to appear at Board of Review must be satisfied; and

- b. An Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the Board of Review as required by law.
 - c. If the two requirements above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the Town Clerk. Such requests must be submitted in time to be considered by the Board at the first meeting of the Board of Review.
- 3. The Board may consider any or all of the following factors when deciding whether to grant or deny the request:
 - a. The requester's stated reason(s) for the request as indicated on the PA-814;
 - b. Fairness to the parties;
 - c. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony;
 - d. Ability to cross examine the person providing the testimony;
 - e. The Board of Review's technical capacity to honor the request; and
 - f. Any other factors that the Board deems pertinent to deciding the request.
- D. The Town Board shall set forth the salaries of the members of the Board of Review.

2-3 Election workers.

- A. The Town Clerk shall have discretion to reduce the required number of election officials at a polling place from 7 to 5 or 3.
- B. The Town Clerk shall have discretion to utilize one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during the voting process.

- C. The Town Clerk shall have discretion for the selection of alternate officials or the selection of two (2) or more sets of officials to work at different times on election day, and may establish different working hours for different officials assigned to the same polling place.

2-4 Parliamentary Procedure.

- A. Members of a Town body may fully participate in meetings via teleconference or videoconference.
- B. Any participation in a meeting under Section 2-4.A must still comply with the Wisconsin Open Meetings law, Wis. Stat. ch. 19 subch. V.

2-5 Elimination of tax collection bond.

- A. The Town Treasurer is exempted from giving the bond specified in Wis. Stat. § 70.67(2).
- B. The Town hereby obligates itself to pay, in case the Town Treasurer fails so to do, all state and county taxes that the Town Treasurer is required to pay to the County Treasurer.

2-6 Grievance procedure

- A. Purpose. This grievance procedure is adopted pursuant to Wis. Stat. § 66.0509(1m) and is intended to provide a timely and orderly review of disputes regarding: employee terminations, employee discipline, and workplace safety.
- B. Definitions for terms used in this procedure are the following:
1. "Days" means calendar days, excluding legal holidays as defined in Wis. Stat. § 995.20.
 2. "Discipline" means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, nondisciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal

investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

3. "Hearing Officer" means the impartial hearing officer required pursuant to Wis. Stat. § 66.0509(1m)(d)2. The hearing officer is selected by the town board.
4. "Termination" means a discharge from employment for rule violations, poor performance, acts detrimental to the employer, other acts of misconduct, or termination of employment due to medical condition, lack of qualification, or license. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period, retirement, job abandonment ("no call, no show" or other failure to report to work), or any other cessation of employment not involving involuntary termination.
5. "Workplace Safety" means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

C. Process and Timelines:

1. The employee must file a written grievance with the Town Clerk within 10 days of the termination, discipline, or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. Grievance forms may be obtained from the Town Clerk. The Town Clerk shall inform the employee's immediate supervisor and the Town Chairperson about receipt of the written grievance as soon as practicable.
2. The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the Town Clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the Town Chairperson who shall then provide the written response.

3. The employee may request an appeal to a hearing officer by filing a written request with the Town Clerk within 10 days of receiving the written response. The Town Clerk shall notify the Town Chairperson and employee's supervisor about the filing of the request for a hearing as soon as practicable. The Town shall work with the hearing officer and grievant to schedule a mutually agreeable hearing date.
4. The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the Town Clerk with a copy of the decision for filing in the Town Clerk's office.
5. The non-prevailing party may file a written request with the Town Clerk for an appeal to the Town Board within 10 days of receipt of the hearing officer's decision. The Town Clerk shall notify the Town Chairperson about the request as soon as possible. The Town Board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The Town Board may sustain, deny, or modify the recommendation of the hearing officer. The decision of the Town Board shall be final and binding. A copy of the Town Board's decision shall be provided to the employee and filed in the Town Clerk's office.
6. All timelines may be extended by mutual written agreement of the Town Board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
7. If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the Town Clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
8. If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
9. The grievant and Town Board may mutually agree in writing to waive a step or multiple steps within the procedure.
10. Granting the requested or agreed upon remedy resolves the grievance.

D. Grievance Requirements. The written grievance must contain:

1. A statement of the pertinent facts surrounding the nature of the grievance.
2. The date the incident occurred or the date the alleged workplace safety concern was discovered.
3. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
4. The specific remedy requested; and
5. A description of the workplace safety rule alleged to have been violated, if applicable.

E. Supervisor's Response. The supervisor's written response to the employee's written grievance must contain:

1. A statement of the date that the meeting between the employee and supervisor was held.
2. A decision as to whether the grievance is sustained or denied.

F. Procedure Before the Hearing Officer:

The hearing officer shall define the issues, identify areas of agreement and the issues in dispute, and hear evidence and arguments. The hearing officer shall determine whether the Town acted in an arbitrary and capricious manner. A decision was not arbitrary or capricious if it was made in the best interest of the Town. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence.

The hearing officer may require the employee and Town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

G. Hearing Officer's Decision. The hearing officer's written decision must contain all of the following:

1. A statement of pertinent facts surrounding the nature of the grievance.
2. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
3. A statement outlining the timeline to appeal the decision.

H. Representation:

Both the employee and the Town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

I. Consolidation:

The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

J. Costs:

Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half.

2-7 Plan Commission.

A. The Town shall have a 5-member Plan Commission under Wis. Stat. §§ 60.62 & 62.23.

Chapter 3: Highways

3-1 Weight Limit Ordinance Enforcement.

- A. This Ordinance applies to any weight limit violation that occurs on a Town highway.
- B. Wis. Stat. §§ 348.16 & 348.21 are hereby incorporated into this Ordinance by reference as if fully set forth herein, and as from time to time amended.
- C. Any violator of a weight limit on a Town highway is subject to any one, or any combination, of the following penalties:
 - 1. A forfeiture in the amount of not less than \$100 and not more than \$500; and
 - 2. A forfeiture in an amount calculated according to Wis. Stat. § 348.21; and
 - 3. Court-imposed injunctive relief to enjoin further violations.
- D. Upon conviction for a violation of this Ordinance, a violator shall also pay all applicable surcharges, assessments, and costs as allowed by law.
- E. Each trip in violation of a weight limitation on a Town highway constitutes a separate offense under each applicable weight limitation then in effect.

3-2 Special or Seasonal Weight Limitations.

- A. Wis. Stat. § 349.16 is hereby incorporated into this Ordinance by reference as if fully set forth herein and as from time to time amended.
- B. For purposes of this Ordinance, the officer in charge of maintenance of Town highways is the Town Chairperson and/or his or her designee(s).
- C. Application may be made to the Town Board for a permit to allow trip(s) in excess of the imposed weight limitations upon an application and the payment of a fee for the consideration of such permit as determined by the Town Board.
- D. An operator granted a permit must keep a written copy of such permit in the permitted vehicle.

3-3 Utilities in the Rights of Way.

- A. Pursuant to its authority under Wis. Stat. §§ 60.22, 66.0425, 86.07, 86.16, 86.021, 182.017, and 196.58, the Town hereby enacts this Ordinance for reasonable regulations on the placement and maintenance of facilities currently within its rights-of-way or to be placed therein in the future.
- B. The following definitions are applicable within this Ordinance:
1. "Facilities" shall mean all equipment owned, operated, leased, or subleased in connection with the operation of a service or utility service, including, but not limited to: poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, lines, and other structures and appurtenances.
 2. "Owner" shall mean any person either requesting permission to excavate, obstruct and/or occupy a right-of-way for the purpose of the installation, replacement, maintenance, or removal of facilities and/or any person who currently occupies and/or obstructs a right-of-way for the purpose of facilities.
 3. "Right-of-way" shall mean the surface and space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, terrace, shoulders, side slopes, and public sidewalk in which the Town has an interest, including any other dedicated rights-of-way for travel purposes.
- C. Location of facilities.
1. A Town permit is required prior to the placement of facilities within rights-of-way.
 - a. The Town Board shall set forth a permit fee in the Town fee schedule.
 - b. Owners shall apply for permits using forms for that purpose made available by the Town.
 - c. A permit may cover any aspect of a facility, including, but not limited to: installation, maintenance, construction site cleanup, and right-of-way restoration.
 - d. A permit application shall include drawings sufficient to depict the Owner's contemplated activity.

- e. The Town may require an Owner to provide additional information as the Town deems necessary, in its sole discretion, to make a determination on an Owner's permit.
 - f. In consideration of the grant of such a permit, the Owner upon acceptance thereof, agrees to indemnify, save, and hold harmless the Town, its successors and assigns, officers, employees, agents, and invitees, from any and all claims, liabilities, losses, costs, damages, or expenses arising due to the presence of the Owner's facilities within the rights-of-way.
 - g. The Town may grant with conditions, including but not limited to restoring the right-of-way to its original condition. The Town reserves the authority to make additional conditions or modifications to conditions in its sole discretion.
- 2. Limitation of space. The Town may prohibit or limit the placement of new, replacement, or additional facilities within the rights-of-way. In making such decisions, the Town shall strive to the extent possible to accommodate all existing and potential users of the rights-of-way, but shall be guided primarily by considerations of the public interest, including, but not limited to, the following: the public need for a particular utility service; the condition of the right-of-way; the time of year with respect to essential utilities; the protection of existing facilities in the right-of-way; and current or future Town plans for public improvements and development projects.
 - 3. Attachment to bridges. For any request to attach facilities to any Town bridge or similar structure, the Owner shall provide a structural analysis prepared by a licensed State of Wisconsin professional engineer. The Owner of such facilities shall not be entitled to compensation for the removal or relocation of the facilities in the case of repair, removal, or replacement of said bridge structure by the Town.
 - 4. Corridors. The Town may assign specific corridors within the right-of-way, or any particular segment thereof, for each type of facility that is, or that the Town anticipates may be, located within a right-of-way. All excavation, obstruction, or other permits issued by the Town involving the installation or replacement of facilities may designate a particular corridor for the facilities.
 - 5. Facilities already in the right-of-way in a position at variance with a corridor later established by the Town shall, no later than at the time of

the next reconstruction or excavation of the area where the facilities are located, relocate the facilities pursuant to Subsection 3-3.D.

6. Digger's hotline compliance. All Owners and other users of Town rights-of-way shall comply with the digger's hotline requirements set forth in Wis. Stat. § 182.0175, as applicable.
7. Planning. The Town may seek information on existing facility locations for planning purposes. It shall be the obligation of Owners to locate facilities. Facility locations shall be represented in the field during field surveys and/or by providing maps within the planning areas.
8. Non-compliance with locating requirements. No Owner shall fail to locate facilities as required under Wis. Stat. § 182.0175(2m). Additionally, any Owner who fails to locate facilities shall be responsible for all resulting Town costs due to delays caused to Town projects. Repeated failure to locate facilities may result in termination of the privilege to locate facilities within the rights-of way, and/or for a requirement that a sufficient security, such as a bond, letter of credit, or cash, be provided to the Town. Repeated failure to locate facilities shall be defined as more than two occurrences within 12 months or more than three within 24 months.

D. Relocation and protection of facilities.

1. Requirement. An Owner must, promptly and at its own expense, maintain, support, protect, or relocate its facilities in the right-of-way whenever the Town, or its agent, acting in its governmental capacity, requests such action in the interest of health, safety, or public welfare.
2. Order. The Town, or its agent, shall issue a due date for the work to the Owner of not less than 72 hours, which due date shall be reasonable and based upon the actions to be undertaken by the Owner. If so stated in the order, the Owner shall restore the right-of-way to its original condition following the completion of the work.
3. Town's right to self-help. In the event that an Owner does not proceed to maintain, support, protect, or relocate its facilities as ordered by the Town, the Town may arrange to do the same and to bill the resulting costs to the Owner, said bill to be paid within 30 days.
4. Additional cost recovery. The Town may bill the Owner for any additional costs incurred as a result of the failure of the Owner to accomplish the ordered work within the time specified in the order.

E. Facility abandonment.

1. Discontinued operations. An Owner that has discontinued or plans to discontinue its operations in the Town, either in full or in part, must do one of the following:
 - a. Provide information satisfactory to the Town that the Owner's obligations for its facilities under this Ordinance have been lawfully assumed by another Owner.
 - b. Submit to the Town a proposal and instruments for dedication of its Facilities to the Town. If an Owner proceeds under this clause, the Town may, at its option:
 - i. Accept the dedication for all or a portion of the facilities;
 - ii. Require the Owner, at its own expense, to remove the facilities in the right-of-way; or
 - iii. Require the Owner to provide the Town sufficient security, such as a bond, letter of credit, or cash, to reimburse the Town for reasonably anticipated costs to be incurred in removing the facilities.
 - c. Remove its facilities within two years, unless the Town waives this requirement or provides a different deadline.
2. Abandoned facilities. Facilities of an Owner that fail to comply with this Ordinance or facilities that are not claimed by any Owner and which remain either unclaimed or unused for at least one year, shall be deemed to be abandoned. Abandoned facilities are hereby declared to be a public nuisance. In addition to any other remedies or rights available to the Town, the Town may, at its option, do any of the following:
 - a. Abate the public nuisance;
 - b. Take possession of the facilities; or
 - c. Require removal of the facilities by the Owner, or the Owner's successor in interest, or any other party responsible for the facilities.

F. General Owner obligations.

1. An Owner shall comply with all requirements of other applicable local, state, and federal laws.
2. Any person violating this Ordinance or a condition of a permit issued pursuant to this Ordinance is subject to both Section 1-4 of this Code and such other penalties as are set forth within this Ordinance.

3-4 Driveway Connections to Town Highways.

A. Driveways shall be constructed to Town specifications:

1. Culvert size, length, and material shall be determined by the Town.
2. All culverts on Town highways shall be installed by the Town at the property owner's expense.
3. Culvert width shall be a minimum of 24 feet, for residential and farm property, and 40 feet for commercial and industrial property.
4. Driveway shall be a minimum of 50 feet from the property line and a minimum of 75 feet from near side right of way of an intersecting roadway.

B. Vertical retaining walls of stone, brick, concrete, wood and like materials are prohibited.

C. A single driveway may serve two adjacent properties, the minimum right of way shall be 66 feet and deeded to both properties.

D. Lawn ditches are allowed with the Town's permission.

E. Mailbox posts shall not be placed in milk cans, etc., on the Town road surface; they must be in the ditch line off of the road bed.

F. Place of decorative boulders, etc., in the highway right of way is prohibited.

3-5 Regulation of Newspaper Tubes and Other Roadside Receptacles.

- A. Location of newspaper tubes and roadside receptacles. All newspaper tubes and other receptacles which are designed or used for the receipt of newspapers, pamphlets, literature, packages, or other similar material, other than mail, and which tubes or receptacles are located within any town highway right-of-way in the Town shall be located on the same side of the highway as the mail

box is located, if any. The said newspaper tubes and receptacles shall be located within 1 and 1/2 feet of said mail box and shall in no event be closer to the traveled portion of the roadway than the mail box.

- B. Other locations for said newspaper tubes and roadside receptacles shall require application to and approval action by the Town Board.
- C. Removal in case of violation. The Town Board or anyone designated by the said Town Board may remove any newspaper tube or other roadside receptacle which is located in violation of this Ordinance.

3-6 Snowmobile Routes.

- A. The following town highways may be used for snowmobile routes as provided for in Wis. Stat. ch. 350:
 - 1. Lookout Road between Eau Claire River Road and Forestville Road.
 - 2. Forestville Road from Lookout Road north to end of road.
- B. Other highways shall not lawfully be used for snowmobiles, except as provided for in the Wisconsin Statutes.
- C. Designated routes shall be used only when the Marathon County Snowmobile Trail Coordinator declares the county trails to be open.
- D. The Town Board shall cause the routes to be marked in accordance with Wis. Stat. § 350.13.
- E. No person shall operate a snowmobile over the designated routes at a rate of speed that exceeds the posted speed limit.

3-7 ATV/UTV Routes.

- A. The purpose of this Ordinance is to establish all-terrain vehicle and utility terrain vehicle routes and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town.
- B. The Town Board has authority pursuant to Wis. Stat. §§ 23.33(8)(b) & (11) to enact this Ordinance. Definitions of terms contained within this Ordinance shall be the same as those found within Wis. Stat. § 23.33 and Wis. Adm. Code ch. NR 64. Within this Ordinance, "ATV" shall mean all-terrain vehicle, and "UTV" shall mean utility terrain vehicle.

- C. Wisconsin Stat. § 23.33 and Wis. Adm. Code ch. NR 64, and as from time to time amended, are hereby adopted by reference into this Ordinance as if fully set forth herein.
- D. The following are hereby designated ATV/UTV routes in the Town: all Town highways.
- E. The following conditions are placed on the use of the Town ATV/UTV routes:
1. Routes shall be marked with official ATV/UTV route signs in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Adm. Code § NR 64.12(7).
 2. Operation shall be subject to all provisions of Wis. Stat. § 23.33 and Wis. Adm. Code ch. NR 64.
 3. ATVs and/or UTVs shall observe a maximum speed limit of 35 miles per hour, or a posted highway speed limit, whichever is lower.
 4. All ATV and UTV operators shall slow to 10 miles per hour or less when operating within 150 feet of a dwelling.
 5. Pursuant to Wis. Stat. § 23.33(4)(d)4, except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an ATV or UTV on the roadway portion of any highway except on roadways that are designated as ATV/UTV routes by this Ordinance.
 6. Operation of ATVs and/or UTVs on a highway in the Town that is an ATV/UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
 7. ATV and UTV operators shall ride in single file.
- F. This Ordinance may be enforced by any law enforcement officer having authority and jurisdiction to do so.
- G. Non-moving violations in Subsection H of this Ordinance may also be enforced by the Town Board or its designee.
- H. It shall be a non-moving violation of this Ordinance for any person to do any of the following:
- (1) Intentionally remove, damage, deface, move, or obstruct any ATV and/or UTV route or trail sign or standard or intentionally interfere with the

effective operation of any ATV and/or UTV route or trail sign or standard if the sign or standard is legally placed by the Town, or any other highway authority or authorized person on behalf of the Town.

- (2) Possess any official ATV and/or UTV route or trail sign or standard of the type established by the Wisconsin Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the official ATV and/or UTV route or trail sign or standard in a lawful manner. Possession of an official ATV and/or UTV route or trail sign or standard creates a rebuttable presumption of unlawful possession.

- I. Any person violating this Ordinance is subject to the penalties listed under Wis. Stat. § 23.33(13). If there is any instance where a penalty under Wis. Stat. § 23.33(13) cannot be determined and/or applied, then the person shall be subject to § 1-4 of this Code.

Chapter 4: Controlled Substances

4-1 Temporary Retailers' Licenses.

- A. The Town Clerk is hereby authorized to issue temporary Class "B" licenses.
- B. The Town Clerk is hereby authorized to issue temporary "Class B" licenses.
- C. The fee for a temporary Class "B" or "Class B" license shall be \$10, except that if both licenses are issued for the same event then the total fee charged shall be \$10.

4-2 Operators' Licenses.

- A. Operators' licenses that are not provisional or temporary shall be valid for one year, except that such licenses shall expire on June 30 each year.
- B. The fee for an operator's license or temporary operator's license shall be as posted in the Town's fee schedule.
- C. The Town Board hereby designates and authorizes the Clerk to issue operators' licenses for applications that meet all qualifications.

4-3 Site Requirement.

No "Class A" or "Class B" intoxicating liquor license shall be issued or renewed unless at the time of application the applicant has either a physical building on the premises ready for active utilization of the license or executed contracts for the construction of such a building.

4-4 Business Requirement.

- A. The following shall constitute a basis for the Town to suspend, revoke, or refuse the renewal of a retail alcoholic beverage license:
 - 1. Failure to be bona fide open for the sale of alcohol within 90 days of the initial issuance of the license; or
 - 2. Failure to be bona fide open for the sale of alcohol for at least 180 days of a calendar year period.

4-5 Cigarette & Tobacco Products Retailer License.

- A. Wis. Stat. § 134.65 is hereby incorporated into this Ordinance by reference as if fully set forth herein and as from time to time amended.
- B. The amount of the fee required for a Cigarette & Tobacco Products Retailer License shall be stated in the Town's fee schedule.

4-6 Provisional Alcohol Licenses.

- A. The Clerk shall issue provisional alcohol operator licenses and provisional retail alcohol licenses pursuant to Wis. Stat. §§ 125.17(5) & 125.185. The fee for such licenses shall be \$15.
- B. An applicant shall receive a provisional operator's license upon evidence that the applicant has met all requirements for a standard operator's license except for having yet taken a Responsible Beverage Server training course or equivalent.
- C. A provisional operator's license expires 60 days after its issuance or when a regular operator's license is issued to the holder of such license, whichever occurs first.
- D. An applicant shall receive a provisional retail license upon evidence that the applicant has met all requirements for a standard retail license except for having yet taken a Responsible Beverage Server training course or equivalent.
- E. A provisional retail license expires 60 days after its issuance or when a regular retail license is issued to the holder of such license, whichever occurs first.

Chapter 5: Regulations

5-1 Fire Prevention.

- A. Wis. Adm. Code ch. SPS 314 is hereby adopted by reference into this Code as if fully set forth herein, and as from time to time it is amended.
- B. Frequency of inspections.

The Fire Chief shall inspect or cause to be inspected by the Fire Inspector(s) or such subordinates in said District as the Chief shall designate at least once per nonoverlapping twelve-month period each calendar year, or as often as may be necessary, all buildings and premises requiring inspection.

5-2 Uniform Dwelling Code.

- A. Authority. These regulations are adopted under the authority granted by Wis. Stat. § 101.65.
- B. Purpose. The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.
- C. Scope. The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980, and new camping units as defined in Wis. Admin. Code § SPS 327.08(9).
- D. Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling Code, Wis. Adm. Code Chs. SPS 320-325 & 327, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- E. Building Inspector. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the State of Wisconsin, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.
- F. Building Permit Required. No person shall alter, in excess of \$1,500.00 value in any twelve-month period, build, add onto, or alter any building within the scope of this Ordinance without first obtaining a building permit for such work

from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.

- G. Building Permit Fee. The building permit fees shall be set forth in a Town fee schedule and shall include the applicable fee per Wis. Adm. Code ch. SPS 302 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. Permit fees for a Wisconsin camping unit as outlined within Wis. Adm. Code § SPS 327.09 and inspection fees as outlined within Wis. Adm. Code § 327.10(3) shall also be included in the fee schedule.
- H. Penalties. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to the enforcement provisions of Section 1.4 of this Code.
- I. The Building Inspector(s) shall keep a log of all inspections completed.

5-3 Short-Term Rentals.

- A. For purposes of this Ordinance:
 - 1. "Residential Dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
 - 2. "Short-term rental" means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.
- B. The rental of a Residential Dwelling for periods of six or fewer consecutive days is prohibited.
- C. The rental of a Residential Dwelling for periods of 7 but fewer than 30 consecutive days is limited to a total number of 180 days within any consecutive 365-day period. This maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the

person's Residential Dwelling shall notify the Town Clerk in writing when the first rental within a 365-day period begins.

- D. Any person who maintains, manages, or operates a Short-Term Rental for more than 10 nights each year, shall do all of the following:
1. Obtain from the Wisconsin Department of Agriculture, Trade and Consumer Protection a license as a tourist rooming house.
 2. Obtain from the Town a license for conducting such activities.

5-4 Manufactured and Mobile Homes and Manufactured and Mobile Home Communities.

A. Definitions.

The definitions set forth in Wis. Stats. § 66.0435(1), and as from time to time they are amended, are hereby adopted into this Ordinance by reference as if fully set forth herein.

B. Enforcement.

The provisions of this Ordinance shall be enforced by the Town Board. The Town Board or the Town Board's representative may enter upon any premises upon which a manufactured or mobile home is located or is about to be located and inspect the manufactured or mobile home and all accommodations connected with the manufactured or mobile home at any reasonable time with prior notice provided.

C. Location outside manufactured and mobile home communities.

1. It shall be unlawful for any person to park or cause to be parked any manufactured or mobile home within the Town, such as upon any street, alley, or highway or other public place or on any tract of land owned by any person within the Town, except as provided in this Subsection.
2. Emergency or temporary stopping or parking shall be permitted on any street, alley, or highway for not longer than one hour, subject to any other prohibitions, regulations, or limitations imposed by the traffic and parking regulations or Ordinances for that street, alley or highway.
3. No person shall park or occupy any manufactured or mobile home on any premises situated outside an approved manufactured and mobile home community. The parking of any unoccupied manufactured or mobile home in any accessory private garage building in the Town is

permitted without permit, provided no living quarters shall be maintained or any business conducted in such manufactured or mobile home while so stored.

D. Permanent occupancy.

Manufactured and mobile homes shall not be used as a permanent dwelling or for indefinite periods of time unless such manufactured or mobile home is properly connected with the public water supply and sanitary systems in an approved manufactured and mobile home community. Such manufactured or mobile home shall be constructed and located in compliance with all requirements of the Uniform Dwelling Code, as applicable, and zoning ordinances applicable to the Town.

E. Alteration of manufactured or mobile home.

Any action toward the removal of wheels, except for temporary purposes of repair or any other action to attach the manufactured or mobile home to the ground by means of posts, piers or foundation or to construct any addition to the manufactured or mobile home, shall subject the manufactured or mobile home and its owner to the requirements of the Uniform Dwelling Code, as applicable, and zoning ordinances applicable to the Town.

F. Manufactured and mobile home community license required.

It is unlawful for any person to establish or operate upon property owned or controlled by the person within the Town, a manufactured and mobile home community without first having secured a license therefor from the Town. The application for such license shall be accompanied by a fee of \$100.00 for each 50 spaces or fraction thereof within each manufactured and mobile home community. The license period shall be from July 1 to June 30 of each calendar year except that licenses shall expire every June 30 no matter when issued. Such communities shall comply with Wis. Admin. Code ch. SPS 326, which is hereby adopted into this Code by reference as if fully set forth herein and as from time to time amended. The Town shall collect a fee of \$10.00 for each transfer of a license.

G. Parking permit fee.

There is hereby imposed on each occupied, nonexempt mobile home located in the Town, a monthly parking fee as determined in accordance with Wis. Stats. § 66.0435(3)(c). Said fees shall be paid to the Town on or before the tenth day of each month following the month for which such fees are due.

H. Reports required.

1. Licensee of manufactured and mobile home communities or owners of land on which are parked any nonexempt manufactured or mobile home shall furnish information to the Town on such homes added to their community within five days after arrival of such home on forms prescribed by the Wisconsin Department of Revenue in accordance with Wis. Stat. §§ 66.0435(3)(c) and (e).
2. Occupants or owners of nonexempt manufactured or mobile homes parked outside of a manufactured and mobile home community shall remit applicable fees directly to the Town Clerk.
3. It shall be the responsibility of the licensee of a manufactured and mobile home community to collect applicable fees from each occupied, nonexempt manufactured or mobile home therein and to remit such fees to the Town Clerk.
4. Pursuant to Wis. Stat. § 66.0435(3)(h), there shall be a forfeiture of \$25.00 for failure to comply with the reporting requirements of this Section. Each failure to report is a separate offense.

I. Manufactured and mobile home community operation.

1. The manufactured and mobile home community shall maintain a staffed office in the community or local representative available during normal business hours.
2. The owner or operator, together with attendants or persons in charge of, or managing, the manufactured and mobile home community shall:
 - a. Keep a register, which is open at all reasonable times for inspection by appropriate state or local officials, of the owners of all manufactured and mobile homes in the community; and
 - b. Maintain the manufactured and mobile home community in a clean, orderly, and sanitary condition at all times.
3. Occupants shall maintain their sites in a clean, orderly, and sanitary condition at all times.

J. Revocation and suspension.

A license granted under this Ordinance is subject to revocation or suspension for cause by the Town upon complaint filed with the Town Clerk, if the complaint is

signed by a law enforcement officer, local health officer, as defined in Wis. Stat. § 250.01(5), or building inspector, after a public hearing upon the complaint.

K. Hearings on revocation or suspension of license.

The holder of the license shall be given ten days' written notice of the hearing on revocation or suspension of the license, and is entitled to appear and be heard as to why the license should not be revoked or suspended. A holder of a license that is revoked or suspended by the Town may within 20 days of the date of the revocation or suspension appeal the decision to the Marathon County Circuit Court by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of \$500.00 with two sureties or a bonding company approved by the Town Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

L. Criteria for issuance of a license.

1. The Town shall consider, but not be limited to, all of the following criteria prior to the issuance of a license to an applicant:
 - a. The applicant's identity, contact information, and trade name, if any.
 - b. If the applicant is a corporation, the identity of the corporate officers and agent.
 - c. If the applicant is a limited liability company, the identity of the company members or managers and agent.
 - d. If the applicant is a cooperative organized under Wis. Stat. ch. 185, the identity of the cooperative members, board of directors, and agent.
 - e. If the applicant is of a type identified in subsections (2), (3), or (4) above, then the applicant must further provide the identifying information of any and all related entities, if any. A related entity is an entity that is a parent, subsidiary, associate, or affiliate of the applicant.
 - f. Any other information required by this Ordinance or other applicable law.
2. In the sole discretion of the Town Board, a license may be issued with conditions, or a license may be denied, if any of the following are present:

- a. The applicant, and/or a related entity, has past violations of this Ordinance.
- b. The applicant, and/or a related entity, has a history relevant to the applicant's fitness to hold such a license, as demonstrated by another manufactured and mobile home community within or outside of the Town that was not clean, safe, orderly and in sanitary condition at all times.
- c. The applicant, and/or a related entity, has failed to maintain a manufactured and mobile home community in accordance with the standards prescribed by the Wisconsin Department of Safety and Professional Services, an authorized agent of the Wisconsin Department of Safety and Professional Services, or in contravention of Wis. Adm. Code ch. SPS 326.
- d. The applicant is not of good character. Good character, for purposes of this Section, means an applicant, and/or a related entity, without a history of dishonest, uncooperative, or offensive acts towards the Town, its personnel, or agents.
- e. Fraud, misrepresentation, or an incorrect statement contained in the application for the license or made in the carrying on of the business of such license.

5-5 Storage of Junked Vehicles Prohibited.

A. Definitions:

- 1. For purposes of this Ordinance, "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, a personal delivery device, an electric scooter, and an electric personal assistive mobility device shall be considered a vehicle.
- 2. For purposes of this Ordinance, "junk" or "junked" means vehicles and/or vehicle parts to include at least one of any of the following:
 - a. Dismantled.
 - b. Of little or no resale value except as a source of parts and/or scrap.
 - c. In a state of being incapable of operation.

- d. In a state of being incapable of legal use upon a highway.
 - e. In a damaged state such that the estimated cost of repair exceeds the fair market value.
- B. No person, firm, partnership, or corporation shall accumulate, store, or have present any junked vehicles or parts thereof outside of any building on any real estate located within the corporate jurisdiction of the Town except upon a permit issued by the Town Board.
- C. No accumulation or storage of such material shall be allowed within 750 feet of the center line of any county, state, or federal highway or within 500 feet of the center line of any Town highway, except upon a permit issued granting the permission of the Town Board.
- D. The permit issued by the Town Board shall be signed by the Chairperson and Clerk and shall specify the quantity and manner of storing such junk vehicles. Such permit shall be revocable at any time after a hearing at which it has been found that the permit holder has failed or refused to comply with the Ordinances or permit conditions providing regulations for the storage of such junked vehicles or parts thereof. Such hearing may be held by the Town upon its own motion, or upon a complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such Ordinance or permit condition. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.

5-6 Public Nuisances Declared.

- A. The following acts, omissions, places, conditions, and things are declared to be public nuisances if they occur within the Town:
- 1. Repeated and/or continuous violation of a Town ordinance.
 - 2. Repeated and/or continuous violation of a State statute that provides the Town with a cause of action.
 - 3. Repeated and/or continuous violation of a condition or term of any Town-issued approval, such as a permit or license.
- B. Any person causing a public nuisance is subject to Section 1-4 of this Code.

5-7 Non-Ferrous Metallic Mining.

- A. The purpose of this Ordinance is to establish mechanisms for Town regulation of non-ferrous metallic mining.
- B. This Ordinance is adopted pursuant to the Town's authority under Wis. Stat. §§ 60.10, 60.22(3), 61.34, 293.33 & 293.41.
- C. Approval Required: non-ferrous metallic mining is permissible only upon the issuance of a Town permit.
- D. Local Impact Committee.
 - 1. If it appears that the Town is likely to be substantially affected by potential or proposed non-ferrous metallic mining, the Town Board may designate an existing committee, or establish a committee, for purposes of:
 - a. Facilitating communications between operators and the Town.
 - b. Analyzing implications of mining.
 - c. Reviewing and commenting on reclamation plans.
 - d. Developing solutions to mining-induced growth problems.
 - e. Recommending priorities for local action.
 - f. Formulating recommendations to the investment and local impact fund board regarding distribution of funds under Wis. Stat. § 70.395(2)(g).
 - g. Negotiating a local agreement under Wis. Stat. § 293.41(3).
 - 2. Wis. Stat. § 293.33 is hereby adopted by reference into this Ordinance as if fully set forth herein, and as from time to time amended.
- E. Local Agreements.
 - 1. The Town may require an operator for the development of a non-ferrous metallic mining operation to enter into one or more agreements with the Town. Such an agreement shall include all of the following:
 - a. A legal description of the land subject to the agreement and the names of its legal and equitable owners.

- b. The duration of the agreement.
 - c. The uses permitted on the land.
 - d. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its residents.
 - e. A description of any obligation undertaken by the Town to enable the development to proceed.
 - f. The applicability or nonapplicability of Town ordinances, approvals or resolutions.
 - g. A provision for the amendment of the agreement.
 - h. Other provisions deemed reasonable and necessary by the parties to the agreement.
2. Wis. Stat. § 293.41 is hereby adopted by reference into this Ordinance as if fully set forth herein, and as from time to time amended.

5-8 Wind Energy Systems.

A. Purpose:

- 1. The purpose of this Section is to incorporate the provisions of Wis. Stat. § 66.0401 and Wis. Adm. Code ch. PSC 128 as a Town ordinance and to establish Town regulations for the installation and use of large and small wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission. This Section is also intended to preserve and protect public health and safety, to not significantly increase the cost of the system or significantly decrease wind energy system efficiency, and to allow for an alternative system of comparable cost and efficiency.
- 2. This Ordinance requires an owner to obtain a permit from the Town before:
 - a. Construction of a wind energy system;
 - b. Expansion of an existing or previously-approved wind energy system; and/or
 - c. A material change in the approved design, location or construction of a wind energy system.

B. Adoption of State Laws:

Wis. Stat. § 66.0401 and Wis. Adm. Code ch. PSC 128, and as from time to time they are amended, are hereby adopted and incorporated into this Ordinance by reference as if fully set forth herein.

C. Definitions:

Terms used herein shall have the meanings described in Wis. Adm. Code § PSC 128.01. In addition, "large wind energy system" in this Ordinance means all wind energy systems that are not small wind energy systems. "Small wind energy system" means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

D. Applications:

1. Applications for proposed wind energy systems shall be reviewed by the Plan Commission for a determination of completeness in accordance with the requirements of Wis. Adm. Code § PSC 128.31. Following a determination of completeness by the Town Plan Commission, the applicant shall provide 10 copies of the complete application to the Town. The Town Clerk shall forward one copy of a complete application to a Public Library serving the Town, in accordance with Wis. Adm. Code § PSC 128.30(6). One copy of the application shall be made available for public review at the Town Hall during normal Town Hall business hours.
2. As soon as possible after receiving an application for a wind energy system, the Town Clerk shall cause to be published a Class 1 notice stating that an application has been filed, in accordance with Wis. Stat. § 66.0401(4)(a). The notice shall include the information required by Wis. Adm. Code § PSC 128.30(5)(b).
3. The Town reserves the right to request additional information necessary to understand the wind energy system. This provision still applies after a determination that an application is complete. An owner shall provide additional information to all reasonable Town requests in a timely, complete, and accurate manner.
4. The Town requires an owner to reimburse the Town for reasonable expenses relating to the review and processing of the application. The reimbursement shall be based on the actual and necessary cost of the review of the application and shall include the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts. The Town requires an owner to submit fifty percent (50%) of the total estimated amount of the costs before the Town issues a written decision

on the application. The Town shall give an owner written notice within ten (10) days of the date that the application is deemed complete with an estimate of the relevant reimbursement amounts.

E. Criteria for All Wind Energy Systems:

1. Wind energy systems shall comply with all applicable State and Federal laws, including but not limited to Wis. Stat. § 66.0401 and Wis. Adm. Code ch. PSC 128.
2. Wind energy systems are exempt from Town height and setback requirements except as is provided in Table 1 for large wind energy systems and Table 2 for small wind energy systems in Wis. Adm. Code ch. PSC 128. However, an applicant may utilize larger setbacks as necessary to meet other standards contained in Wis. Adm. Code ch. PSC 128, including but not limited to: noise, shadow flicker, signal interference, and stray voltage limitations.
3. An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.
4. The Town reserves the right to establish a decommissioning review process to determine when a wind energy system has reached the end of its useful life.
5. Owners shall submit to the Town a copy of all necessary State and Federal permits and approvals.

F. Additional Criteria Applicable Only to Large Wind Energy Systems

1. Pursuant to Wis. Stat. § 66.0401(4)(f)2, the Town may deny an application if a wind energy system has a nominal capacity of at least one megawatt and the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted as part of a comprehensive plan pursuant to Wis. Stat. § 66.1001.
2. The Town reserves the right to establish reasonable requirements designed to minimize soil compaction, topsoil mixing, and damage to drainage systems on agricultural land.
3. Owners shall use shielding or control systems approved by the federal aviation administration to reduce the visibility of wind energy system lighting to individuals on the ground.
4. Owners shall provide annual training for all applicable fire, police, or other first responder agencies that provide such services to the Town. An owner shall provide at least eight hours of training during each calendar year and is responsible for all direct training costs.

5. Owners shall provide information about whether the owner has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any Federal or State agency and whether the owner has incorporated the non-binding recommendation(s) into the design of the wind energy system.
6. Owners shall cooperate with any study of the effects of wind energy systems coordinated by a state agency.
7. Monetary compensation:
 - a. Owners shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes an initial annual monetary compensation of \$600 for one turbine located within one-half mile of a nonparticipating residence, \$800 for two turbines located within one-half mile of a nonparticipating residence, and \$1,000 for three or more turbines located within one-half mile of a nonparticipating residence.
 - b. The initial annual monetary compensation under this subsection shall furthermore be calculated by the application of increases since the year 2012 of the greater of either two percent (2%) or the increase in the Consumer Price Index as described in Wis. Stat. § 196.374(5)(bm)2, for each year since 2012, to arrive at the initial amounts applicable to the year that any agreements are created. Such agreements shall also provide for such further increases to apply during the term of the agreement.
 - c. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under Wis. Adm. Code ch. PSC 128 and whether acceptance of payment by the owner of the nonparticipating residence will establish it as a participating property pursuant to Wis. Adm. Code ch. PSC 128.
8. Aerial Spraying. An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:
 - a. Substantial evidence of a history, before the wind energy system owner gives notice under Wis. Adm. Code § PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of the farm field located within one-half mile of a constructed wind turbine.
 - b. A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located

within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

9. Reports and Reviews:

- a. An owner of a wind energy system within the Town shall submit an annual report to the Town Plan Commission by January 31 of each year documenting the operation and maintenance of the wind energy system during the previous calendar year.
- b. The Town Plan Commission shall conduct a review of the annual reports submitted, in part to determine if a wind energy system has reached the end of its useful life.
- c. The Town reserves the right to establish a procedure to monitor compliance by the owner with any condition on an approved wind energy system or to assess when wind energy systems facilities are not maintained in good repair and operating condition. This procedure may include timelines, payment by the owner of reasonable fees to conduct assessments, and notification to the public.
- d. The Town may require the owner to pay a reasonable fee for a third-party inspector to monitor and report regarding an owner's compliance with permit requirements during construction.
- e. An owner shall monthly provide the Town with a copy of the owner's complaint log.

10. Financial Responsibility:

- a. An owner with a nameplate capacity of one megawatt or larger shall provide the Town with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities.
- b. An owner shall provide the Town with three estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the Town. The amount of financial assurance required by the Town will be the average of the three estimates.
- c. An owner shall establish financial assurance that is acceptable to the Town and that places the Town in a secured position. The financial assurance must provide that the secured funds may be used for decommissioning the wind energy system, or at such time as the Town determines that the wind energy system has been decommissioned, as provided for in Wis. Adm. Code §

PSC 128.19(5)(b), or the Town approves the release of the funds, whichever occurs first. The financial assurance must also provide that the Town may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.

- d. The Town may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the Town finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this Section, the Town may correspondingly increase or decrease the amount of financial assurance required. The Town shall not adjust the financial assurance under this paragraph more often than once in a 5-year period.
- e. The Town may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

- 11. Signal Interference. An owner shall, under a protocol established by Wis. Adm. Code § PSC 128.50(2), implement a new technology solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under Wis. Adm. Code §§ PSC 128.16(2) and (3) and for which the original mitigation solution is only partially effective.

G. Review Process:

- 1. The Town Plan Commission shall have 90 days from the date that the Plan Commission notifies the owner that the application is complete in which to approve or disapprove the application, unless the time is extended in accordance with Wis. Stat. § 66.0401(4)(e).
- 2. The Town Plan Commission shall hold a public hearing on the proposed wind energy system in accordance with a class 2 notice under Wis. Stat. ch. 985. Any written comments submitted shall be considered at the public hearing. A record of the hearing shall be created either by stenographer or an electronic recording.
- 3. Following the public hearing, the Town Plan Commission shall issue a written decision to grant or deny a permit for a wind energy system and any conditions of approval. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.
- 4. The Town Clerk shall provide a duplicate original of the Town's written decision to the applicant.

5. The Town shall maintain a record of the permit review and decision as required by Wis. Adm. Code § PSC 128.34.

5-9 Solar Energy Systems.

A. Purpose:

1. The purpose of this Ordinance is to establish Town regulations for the installation and use of Solar Energy Systems that generate less than 100 megawatts but more than 10,000 watts.
2. This Ordinance requires Owner(s) to obtain a permit from the Town before:
 - a. Construction of a Solar Energy System;
 - b. Expansion of an existing or previously-approved Solar Energy System; and/or
 - c. A material change in the approved design, location, or construction of a Solar Energy System.
3. The Town may place any condition upon a permit as long as it satisfies at least one of the following:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.
4. The Town shall consider each permit application on a case-by-case basis.

B. Definitions. Terms used herein shall have the following meanings:

1. "Decommissioning" means removal of all of the above ground and below ground portions to a depth of at least four (4) feet of the Solar Energy System and its supporting facilities.
2. "Owner" means:
 - a. A person with a direct ownership interest in a Solar Energy System, regardless of whether the person was involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of a Solar Energy System.

- b. At the time a Solar Energy System is being developed, a person who is acting as a Solar Energy System developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a Solar Energy System, regardless of whether the person will own or operate the Solar Energy System.
 3. "Solar Energy System" means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. In addition, for purposes of this Ordinance, only electric generating facilities of less than 100 megawatts but more than 10,000 watts are applicable.
- C. Applications for a Solar Energy System permit are required to contain the following:
 1. Name and address of all Owner(s) of the Solar Energy System, and the name and contact information for a designated representative, if any.
 2. Evidence that the applicant is the owner of the real property involved or has the written permission of the owner to make such an application.
 3. Scaled drawing of the Solar Energy System and its dimensions, its location, its height above ground level, orientation, and slope from the horizontal.
 4. Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots within 300 feet of the Solar Energy System.
 5. The Town reserves the right to establish a Decommissioning review process to determine when a Solar Energy System has reached the end of its useful life.
 6. Owner(s) shall submit to the Town a copy of all necessary State and Federal permits and approvals.
 7. A finished landscape plan that includes proposed structures, topography, grubbing, clearing, plantings, and final vegetation.
 8. Such additional information as the Town may reasonably request, if any.
 9. A fee bearing a reasonable relationship to the Town's anticipated review and processing of the application that shall include the reasonable, direct cost of services necessary for review of the application provided by outside engineers, attorneys, planners, environmental specialists, and/or other consultants or experts. Additional fees may be required as necessary, and any fees unused at the end of the application process shall be returned to the applicant. The Town Board shall determine and monitor the fee(s).
 10. As-built plans upon completion of construction.

D. Solar Energy System Restrictions. The Town may impose restrictions on a Solar Energy System including but not limited to any of the following:

1. Location, setbacks, ground clearance, and height.
2. Anticipated costs related to emergency services required as a result of the Solar Energy System, such as for e.g., additional training and/or equipment.
3. Decommissioning.
4. Financial security, such as bonds, cash deposits, or letters of credit.

E. Revocation. Any permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this Ordinance or the provisions of a permit granted pursuant to this Ordinance.

F. Reports and Reviews:

1. An Owner of a Solar Energy System within the Town shall submit an annual report to the Town Plan Commission by January 31 of each year documenting the operation and maintenance of the Solar Energy System during the previous calendar year.
2. The Town Plan Commission shall conduct a review of the annual reports submitted, in part to determine if a Solar Energy System has reached the end of its useful life.
3. The Town reserves the right to establish a procedure to monitor compliance by the Owner with any condition on an approved Solar Energy System or to assess when Solar Energy System facilities are not maintained in good repair and operating condition. This procedure may include timelines, payment by the Owner of reasonable fees to conduct assessments, and notification to the public.
4. The Town may require the Owner to pay a reasonable fee for a third-party inspector to monitor and report regarding an Owner's compliance with permit requirements.
5. An Owner shall provide the Town with a copy of any third-party complaints regarding the Solar Energy System.

G. Financial Responsibility:

1. An Owner with a nameplate capacity of 20,000 watts or larger shall provide the Town with financial assurance of the Owner's ability to pay the actual and necessary cost to Decommission the Solar Energy System before commencing major civil construction activities.

2. An Owner shall provide the Town with three estimates of the actual and necessary cost to decommission the Solar Energy System. The cost estimates shall be prepared by third parties agreeable to the Owner and the Town. The amount of financial assurance required by the Town will be the average of the three estimates.
3. An Owner shall establish financial assurance that is acceptable to the Town and that places the Town in a secured position. The financial assurance must provide that the secured funds may be used for Decommissioning the Solar Energy System, or at such time as the Town determines that the Solar Energy System has been Decommissioned, or the Town approves the release of the funds, whichever occurs first. The financial assurance must also provide that the Town may access the funds for the purpose of Decommissioning the Solar Energy System if the Owner does not Decommission the system when Decommissioning is required.
4. The Town may periodically request information from the Owner regarding industry costs for Decommissioning the Solar Energy System. If the Town finds that the future anticipated cost to Decommission the Solar Energy System is changing in a material way, the Town may correspondingly increase or decrease the amount of financial assurance required.
5. The Town may require an Owner to submit a substitute financial assurance if an event occurs that raises material concern regarding the viability of the existing financial assurance.