

TOWN OF LOMIRA
CODE OF ORDINANCES

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TOWN OF LOMIRA
DODGE COUNTY, WISCONSIN

Chapter 1

General Provisions for Use of Code of Ordinances

Section 1. Title of Code

These collected Ordinances shall be known and referred to as the “Town of Lomira Code of Ordinances.”

Section 2. Principles of Construction

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

- A. Acts by agents. When an Ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. Code and Code of Ordinances. The words “Codes,” “Code of Ordinances” and “Municipal Code” when used in any Section of this Code shall refer to this Code of Ordinances of the Town of Lomira unless the context of the Section clearly indicates otherwise.
- C. Computation of time. In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, “legal holiday” means any statewide legal holiday specified by state law.
- D. Fine. The term “fine” shall be the equivalent of the word “forfeiture,” and vice versa.
- E. Gender. Every word in these Ordinances referring to gender shall be gender neutral.
- F. General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.

- G. Person. The word “person” shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- H. Repeal. When any Ordinance having the effect of repealing a prior Ordinance is itself repealed, such repeal shall not be construed to revive the prior Ordinance or any part thereof, unless expressly so provided.
- I. Singular and plural. Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to the plural number shall also be construed to apply to one (1) person or thing.
- J. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- K. Town. The term “Town” shall mean the Town of Lomira, Dodge County, Wisconsin.
- L. Wisconsin Statutes. The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean the Wisconsin Statutes, as amended from time to time.
- M. Wisconsin Administrative Code. The term “Wisconsin Administrative Code” and its abbreviation as “Wis. Adm. Code” shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

Section 3. Conflict of Provisions

- A. If the provision of different Chapters conflict with each other, the provisions of each individual Chapter shall control all issue arising out of the events and persons intended to be governed by that Chapter.
- B. If the provisions of different Sections of the same Chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

Section 4. Severability of Provisions

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

Section 5. Effective Date of Ordinances

- A. Code. The Town of Lomira Code of Ordinances shall take effect as provided by state law.
- B. Subsequent Ordinances. All Ordinance passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication or legal posting.

Section 6. General Penalty

- A. General Penalty. Except where a penalty is provided elsewhere in this Code of Ordinances, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) First Offense – Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - (2) Second Offense – Penalty. Any person found guilty of violating any Ordinance or part of an Ordinance of this Code who shall previously have been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- B. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Other Remedies. The Town of Lomira shall have any and all other remedies afforded by the Wisconsin Statute in addition to the forfeitures and costs of prosecution above.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 2

Ordinance Adopting Citation Method of Enforcement of Town Ordinances

Section 1. Method of Enforcement

The Town of Lomira hereby elects to use the citation method of enforcement of Ordinances. All Town officials and personnel charged with the responsibility of enforcing Town Ordinances are hereby authorized pursuant to Wis. Stat. § 66.0113, as amended, to issue citations for violations of Town ordinances, including ordinances for which a statutory counterpart exists.

Section 2. Information Contained in Citation

The citation shall contain the following items:

- A. The name and address of the alleged violator.
- B. Factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The Ordinance or State Statute violated.
- E. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear in Court.
- G. A statement which, in essence, informs the alleged violator:
 - (1) That a cash deposit based on the schedule established by this Ordinance may be made which shall be delivered or mailed to the Town Clerk prior to the time of the scheduled Court appearance;
 - (2) That, if a deposit is made, no appearance in Court is necessary unless he or she is subsequently summoned;
 - (3) That, if a cash deposit is made and the alleged violator does not appear in Court, he will be deemed to have entered a plea of no contest, or, if the Court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in Court to answer the complaint;

- (4) That, if no cash deposit is made and the alleged violator does not appear in Court at the time specified, an action may be commenced to collect the forfeiture.
 - (5) 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.
- H. A direction that, if the alleged violator elects to make a cash deposit, a statement which accompanies the citation shall be signed to indicate that the statement required under G. above has been read. Such statement shall be sent or brought with the cash deposit.
- I. Such other information as the Town Board deems necessary.

Section 3. Form of Citation

The form of the citation to be issued by Town officials and personnel or other designated Town official is incorporated herein by reference and shall provide the information described in Section 2, above. The Town Board reserves the right to modify the citation form as needed.

Section 4. Schedule of Deposits

The schedule of cash deposits shall be established by the Town Board for use with citations issued under this Ordinance according to the penalty provision of this Ordinance. A copy of the schedule of deposits shall be filed with the Town Clerk. Deposits shall be made in cash, money order, or certified check to the Dodge County Clerk of Court, who shall provide a receipt therefor.

Section 5. Issuance of Citation

Citations may be issued by any of the following persons:

- A. Any Dodge County law enforcement officer;
- B. The Town Building Inspector or Zoning Administrator;
- C. The Town Constable;
- D. The Town Chairman or the Town Supervisors.

The Town Board may delegate its authority to issue citations to its subordinates, provided such delegation is authorized by resolution by the Town Board.

Section 6. Procedure

Wis. Stat. § 66.0113(3), as amended, relating to a violator's options and procedure on default is hereby adopted and incorporated by reference.

Section 7. Nonexclusivity

Adoption of this Ordinance does not preclude the Town Board from adopting any other Ordinance or providing for the enforcement of any other law or Ordinance, including, but not limited to, summons and complaint, relating to the same or other matter. Furthermore, the issuance of a citation hereunder shall not preclude the Town or any other authorized officer from proceeding under any other Ordinance or law or by any other enforcement method to enforce any Ordinance, regulation or order.

CIVIL FORFEITURE TABLE - Effective July 26, 2003

CC = Court Costs
 PA = Penalty Assessment
 JA = Jail Assessment
 CLDA = Crime Lab & Drug Assessment
 CSF = Court Support Services Fee
 JIF = Justice Information Fee *
 *Milwaukee County only - collect \$11

FORF	CC	PA	JA	CLDA	CSF	JIF*	TOTAL	Driver Improve		Dom. Abuse		Natural Resources Assessment		Environmental Assessment		Weapons Assessment		Uninsured Employer Assessment	
								\$355 Total	\$50 Total	75% Forf.	Total	10% Forf.	Total	75% Forf.	Total	75% Forf.	Total		
250	25	60.00	10	7	68	9	429.00	784.00	479.00	187.50	616.50	25.00	454.00			187.50	616.50		
275	25	66.00	10	7	68	9	460.00	815.00	510.00	206.25	666.25	27.50	487.50			206.25	666.25		
300	25	72.00	10	7	68	9	491.00	846.00	541.00	225.00	716.00	30.00	521.00			225.00	716.00		
350	25	84.00	10	7	68	9	553.00	908.00	603.00	262.50	815.50	35.00	588.00			262.50	815.50		
400	25	96.00	10	7	68	9	615.00	970.00	665.00	300.00	915.00	40.00	655.00			300.00	915.00		
450	25	108.00	10	7	68	9	677.00	1032.00	727.00	337.50	1014.50	45.00	722.00			337.50	1014.50		
500	25	120.00	10	7	68	9	739.00	1094.00	789.00	375.00	1114.00	50.00	789.00			375.00	1114.00		
550	25	132.00	10	7	68	9	801.00	1156.00	851.00	412.50	1213.50	55.00	856.00			412.50	1213.50		
600	25	144.00	10	7	68	9	863.00	1218.00	913.00	450.00	1313.00	60.00	923.00			450.00	1313.00		
650	25	156.00	10	7	68	9	925.00	1280.00	975.00	487.50	1412.50	65.00	990.00			487.50	1412.50		
700	25	168.00	10	7	68	9	987.00	1342.00	1037.00	525.00	1512.00	70.00	1057.00			525.00	1512.00		
750	25	180.00	10	7	68	9	1049.00	1404.00	1099.00	562.50	1611.50	75.00	1124.00			562.50	1611.50		
800	25	192.00	10	7	68	9	1111.00	1466.00	1161.00	600.00	1711.00	80.00	1191.00			600.00	1711.00		
850	25	204.00	10	7	68	9	1173.00	1528.00	1223.00	637.50	1810.50	85.00	1258.00			637.50	1810.50		
900	25	216.00	10	7	68	9	1235.00	1590.00	1285.00	675.00	1910.00	90.00	1325.00			675.00	1910.00		
1000	25	240.00	10	7	68	9	1359.00	1714.00	1409.00	750.00	2109.00	100.00	1459.00			750.00	2109.00		
1100	25	264.00	10	7	68	9	1484.00	1839.00	1534.00	825.00	2309.00	110.00	1594.00			825.00	2309.00		
1200	25	288.00	12	7	68	9	1609.00	1964.00	1659.00	900.00	2509.00	120.00	1729.00			900.00	2509.00		
1300	25	312.00	13	7	68	9	1734.00	2089.00	1784.00	975.00	2709.00	130.00	1864.00			975.00	2709.00		
1400	25	336.00	14	7	68	9	1859.00	2214.00	1909.00	1050.00	2909.00	140.00	1999.00			1050.00	2909.00		
1500	25	360.00	15	7	68	9	1984.00	2339.00	2034.00	1125.00	3109.00	150.00	2134.00			1125.00	3109.00		
1600	25	384.00	16	7	68	9	2109.00	2464.00	2159.00	1200.00	3309.00	160.00	2269.00			1200.00	3309.00		
1700	25	408.00	17	7	68	9	2234.00	2589.00	2284.00	1275.00	3509.00	170.00	2404.00			1275.00	3509.00		
1800	25	432.00	18	7	68	9	2359.00	2714.00	2409.00	1350.00	3709.00	180.00	2539.00			1350.00	3709.00		
1900	25	456.00	19	7	68	9	2484.00	2839.00	2534.00	1425.00	3909.00	190.00	2674.00			1425.00	3909.00		
2000	25	480.00	20	7	68	9	2609.00	2964.00	2659.00	1500.00	4109.00	200.00	2809.00			1500.00	4109.00		

CC = Court Costs
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 CSF = Court Support Services Fee
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CIVIL FORFEITURE TABLE - Effective July 26, 2003

*Milwaukee County only - collect \$12.50

FORF	CC	PA	JA	CLDA	CSF	JIF*	TOTAL	Driver+ Improve	Dom. Abuse	Natural Resources Assessment		Environmental Assessment		Weapons Assessment		Uninsured Employer Assessment	
								\$355 Total	\$50 Total	75% Forf.	Total	10% Forf.	Total	75% Forf.	Total	75% Forf.	Total
5	25	1.20	10	7	68	9	125.20	175.20	3.75	128.85	0.50	125.70	3.75	128.85	3.75	128.85	
10	25	2.40	10	7	68	9	131.40	181.40	7.50	138.90	1.00	132.40	7.50	138.90	7.50	138.90	
15	25	3.60	10	7	68	9	137.60	187.60	11.25	146.85	1.50	139.10	11.25	146.85	11.25	146.85	
20	25	4.80	10	7	68	9	143.80	193.80	15.00	158.80	2.00	145.80	15.00	158.80	15.00	158.80	
25	25	6.00	10	7	68	9	150.00	200.00	18.75	168.75	2.50	152.50	18.75	168.75	18.75	168.75	
30	25	7.20	10	7	68	9	156.20	206.20	22.50	178.70	3.00	159.20	22.50	178.70	22.50	178.70	
35	25	8.40	10	7	68	9	162.40	212.40	26.25	188.65	3.50	165.90	26.25	188.65	26.25	188.65	
40	25	9.60	10	7	68	9	168.60	218.60	30.00	198.60	4.00	172.60	30.00	198.60	30.00	198.60	
45	25	10.80	10	7	68	9	174.80	224.80	33.75	208.55	4.50	179.30	33.75	208.55	33.75	208.55	
50	25	12.00	10	7	68	9	181.00	231.00	37.50	218.50	5.00	186.00	37.50	218.50	37.50	218.50	
55	25	13.20	10	7	68	9	187.20	237.20	41.25	228.45	5.50	192.70	41.25	228.45	41.25	228.45	
60	25	14.40	10	7	68	9	193.40	243.40	45.00	238.40	6.00	199.40	45.00	238.40	45.00	238.40	
65	25	15.60	10	7	68	9	199.60	249.60	48.75	248.35	6.50	206.10	48.75	248.35	48.75	248.35	
70	25	16.80	10	7	68	9	205.80	255.80	52.50	258.30	7.00	212.80	52.50	258.30	52.50	258.30	
75	25	18.00	10	7	68	9	212.00	262.00	56.25	268.25	7.50	219.50	56.25	268.25	56.25	268.25	
80	25	19.20	10	7	68	9	218.20	268.20	60.00	278.20	8.00	226.20	60.00	278.20	60.00	278.20	
85	25	20.40	10	7	68	9	224.40	274.40	63.75	288.15	8.50	232.80	63.75	288.15	63.75	288.15	
90	25	21.60	10	7	68	9	230.60	280.60	67.50	298.10	9.00	239.60	67.50	298.10	67.50	298.10	
95	25	22.80	10	7	68	9	236.80	286.80	71.25	308.05	9.50	246.30	71.25	308.05	71.25	308.05	
100	25	24.00	10	7	68	9	243.00	293.00	75.00	318.00	10.00	253.00	75.00	318.00	75.00	318.00	
125	25	30.00	10	7	68	9	274.00	324.00	93.75	367.75	12.50	286.50	93.75	367.75	93.75	367.75	
150	25	36.00	10	7	68	9	305.00	355.00	112.50	417.50	15.00	320.00	112.50	417.50	112.50	417.50	
175	25	42.00	10	7	68	9	336.00	386.00	131.25	467.25	17.50	353.50	131.25	467.25	131.25	467.25	
200	25	48.00	10	7	68	9	367.00	417.00	150.00	517.00	20.00	387.00	150.00	517.00	150.00	517.00	
225	25	54.00	10	7	68	9	398.00	448.00	168.75	566.75	22.50	420.50	168.75	566.75	168.75	566.75	

TOWN OF LOMIRA
DODGE COUNTY

Chapter 3

Retention and Destruction of Town of Lomira Public Records

Section 1. Purpose

The purpose of this Ordinance is to:

- A. Establish a Town of Lomira Record Retention & Disposition Schedule.
- B. Provide the legal custodians of the Town of Lomira public records with the authority to destroy certain obsolete public records in the possession of the Town of Lomira in accordance with Wis. Stat. § 19.21(4).

Section 2. Definitions

- A. **Record Retention & Disposition Schedule**
The Wisconsin Municipal Records Schedule (WMRS), as approved by the Public Records Board on August 27, 2018, attached hereto and incorporated herein as Exhibit-Chapter 3, is hereby adopted by the Town of Lomira as the Town's official record retention schedule. Records not contained in the *WMRS* shall be retained according to the Public Records Board other *General Records Schedules* and their successor schedules.
- B. **Legal Custodian**. Each elected official is the legal custodian of his or her records and the records of his or her office as defined in Wis. Stat. § 19.33. The official may designate the Town Clerk to act as the legal custodian of his or her records.
- C. **Records**
The meaning as defined in Wis. Stat. §19.32(2). Documents and records of the Town of Lomira which have been created or transferred entirely to electronic or other approved alternate format shall be considered original and subject to State retention guidelines according to Wis. Stat. §19.21(4)(c).
- D. **Disposition/Destruction**. Physical destruction of obsolete records by shredding, burning, or in the case of electronic records, by deleting from a computer hard drive and reformatting or destroying the tape(s)/disk(s).
- E. **SHSW**. State Historical Society of Wisconsin.

Section 3. Provisions

A. **Historical Society Notification**

As required by Wis. Stat. §19.21(4)(a), the State Historical Society of Wisconsin shall be notified at least 60 day prior to the destruction of any records, unless waived according to the Wisconsin Municipal Records Schedule.

B. **Destruction Pending Litigation**. No record subject to pending litigation shall be destroyed until the litigation is resolved and permission is obtained from the Town of Lomira's attorney.

Section 4. Adoption of Ordinance

This Ordinance, adopted by a majority of the Town Board of Lomira on a roll call vote with a quorum present and voting and property notice having been given, authorizes the powers and establishes the duties of the legal custodians of the Town of Lomira public records to manage, protect and destroy obsolete public records in the possession of the Town of Lomira.

Originally adopted – 4/12/2017

Amended by Ordinance No. 2019-01 -- 2/13/2019

TOWN OF LOMIRA
DODGE COUNTY

Chapter 4

Alternative Claims Procedure

Section 1. Title and Purpose

This Ordinance is entitled the Town of Lomira Alternative Claims Procedure Ordinance. The purpose of this Ordinance is to authorize an alternative procedure for approving financial claims against the Town that are in the nature of bills and vouchers.

Section 2. Authority

The Town Board of the Town of Lomira, Dodge County, Wisconsin, has the specific authority under Wis. Stat. § 60.44(2), to adopt this Ordinance.

Section 3. Adoption of Ordinance

This Ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and property notice having been given, establishes an alternative procedure for approving financial claims against the Town that are in the nature of bills and vouchers as provided in this Ordinance.

Section 4. Applicability

Payments of claims against the Town may be made from the Town treasury under the procedure established in Section 5 for bills or vouchers that are of a routine nature, namely: General government expenses, public safety fees, public works charges, health services, Town debt, property tax liabilities.

Section 5. Procedure

- A. Subject to the restrictions under Section 4, the payment of a claim against the Town may be made from the Town treasury if the Town Clerk approves in writing the claim as a proper charge against the Town treasury. A claim against the Town is a proper charge against the Town treasury if the Clerk determines that all of the following conditions have been met:
- (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 authorized by the Town Board or an authorized Town official, agent, or employee.

- (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 subsection A prior to approval. *(For example, the Clerk may require verification of quantity, quality, etc., by another Town official or employee.)*
- C. After determining that the conditions under subsection A have been met, the Clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon approval of a bill or voucher under this procedure, the Clerk shall prepare and sign a check and have it countersigned by the Town treasurer, pursuant to Wis. Stat. § 66.0607. The Clerk shall then mail or deliver the completed checks to the appropriate parties.
- D. At least monthly, the Town Clerk shall file with the Town Board a written list of claims approved pursuant to this Ordinance. The list shall include the date paid, name of claimant, purpose, and amount.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 5

**Confidentiality of Information About Income and Expenses
Requested by the Assessor in Property Assessment Matters**

Section 1. Confidentiality

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

TOWN OF LOMIRA
DODGE COUNTY

Chapter 6

**Ordinance Establishing Conditions for
Obtaining and Maintaining Licenses from the Town**

Section 1. Applicability

The provisions of this Ordinance shall apply to all licenses, including liquor licenses, which are subject to the approval of and issued by the Town and to the holders of all such licenses. The provisions of this Ordinance are in addition to any and all other Ordinances, statutes and regulations applicable to obtaining, maintaining and approval of all licenses which may be granted by the Town.

Section 2. Delinquency

As a condition to obtaining, renewing and keeping a licenses granted by the Town, all local taxes, assessments, special charges and other fees, including municipal forfeitures, assessed or charged against a licensee must be paid in a timely fashion. A licensee who fails to pay any properly assessed charges when due shall be considered delinquent and subject to disciplinary action by the Town Board. Disciplinary action may include, in the discretion of the Board, reprimand, suspension of the license(s) for a period up to 90 days and/or revocation of the license(s).

Section 3. Complaint Procedure

Any person may make a complaint that a licensee is delinquent in the payment of a local charge. The Town Board also may invoke an investigation of a licensee on its own motion. The Board shall review all complaints. If the Board determines that a complaint has merit it shall schedule a hearing on the matter and given written notice of the basis for the complaint and the date and time of the hearing to the licensee. Unless a different procedure is mandated by another Ordinance or statute, the notice shall be served on the licensee by first-class mail. If the matter involves a liquor license, the Board shall comply with the provisions of Wis. Stat. § 125.12, as amended. Proof of service of the notice shall be filed with the Town Clerk.

Section 4. Hearing Procedure

The Town Clerk shall give proper notice to the public of the hearing in the manner provided by law for open meetings of governmental bodies. The hearing shall be held in open session. Multiple offenses involving the same licensee may be considered at a single hearing. The Board shall hear the evidence as presented by the complainant and the licensee. Upon proper notice, the Board may deliberate and make its decision in the matter in closed session. In the

event that the Board determines that the allegations of the complaint have been proved, it shall determine the penalty to be imposed upon the licensee and promptly notify the licensee of the penalty it imposes. Notice of the penalty shall be given within the time set by any applicable Ordinance or statute. If there is no other applicable Ordinance or statute, notice shall be given to the licensee within 60 days of the Board's decision.

Section 5. Revocation

If the Board determines to revoke the license, the license so revoked shall not be reinstated within the 6 months following revocation or the remaining license period, whichever is longer. No refund shall be made of any license fee which has been previously paid.

Section 6. Voluntary Surrender

In lieu of a hearing, any licensee may voluntarily surrender his or her license. In the case of voluntary surrender, the Town Board shall determine the time period before which another application for the same type of license may be submitted by the surrendering licensee. Such time period shall not exceed the period that would have applied had the Board held a hearing on the matter and revoked the license by its own action.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 7

Driveway Ordinance

Section 1. Title/Purpose

This Ordinance is entitled the Town of Lomira Driveway Ordinance. The purpose of this Ordinance is to establish standards for driveway that will provide for better and safer provisions for adequate access from private development to a public right-of-way.

Section 2. Authority

The Town Board of the Town of Lomira has specific authority, powers and duties pursuant to Wis. Stats. §§ 60.61, 60.62, 60.23 and 62.23.

Section 3. Adoption of Ordinance

The Town Board of the Town of Lomira has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance the certain areas and the regulations and controlling of driveways in the Town of Lomira.

Section 4. Minimum Requirements

- A. **Inspection.** All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more residents shall be subject to an inspection by the Town's Highway Superintendent prior to the issuance of a building permit.
- B. **Location Construction Plan.** The applicant who may be the owner, agent, or contractor shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures.
- C. **Town Board Authorization.** Authorization for a driveway is subject to the approval of the Town Board. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the Town Board will be the deciding factor.
- D. **Specifications.** The following specifications shall apply:
 - (1) Minimum road surface width: 14 feet.

- (2) Minimum width clearance: 24 feet.
- (3) Minimum height clearance free of trees, wires, etc.: 20 feet.
- (4) Maximum grade: 10 percent.
- (5) Concrete driveways must begin 10 feet or more from the edge of the road. Concrete driveways beginning less than 10 feet from the edge of the road will be dug out and corrected at the owner's expense.
- (6) At least one 25 foot length and 18 foot width segment of road surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting vehicles.
- (7) The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road.
- (8) An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town Board in considering an application for driveway approval.
- (9) If culverts are required, the minimum size shall be 18" x 30' and must include the approved apron end walls, which become part of the culvert and allow flatter driveway slopes, eliminating headwalls. Apron end walls may only be backfilled with dirt, which may be seeded or sodded.
- (10) At the dead end of all new driveways a turnaround of at least 38 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the Town Board. Illegal culverts will be removed at the landowner's expense.
- (11) All costs for the described materials and labor incurred by the Town shall be fully reimbursed by the owner 30 days from the date of receiving an invoice from the Town.

Section 5. Definitions

Driveway/access: Any area where travel occurs from a public road over land (whether be easement or ownership) not considered to be a part of the public road for the purpose of gaining access to land or improvements.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 8

Ordinance Establishing a Snowmobile Route in the Town

Section 1. Title/Purpose

The purpose of this Ordinance is to designate a route within the Town of Lomira where snowmobile operation is lawful under the authority of Wis. Stat. § 350.04(2).

Section 2. Route and Map

The route designated as a lawful route is Soo Road as shown on the official snowmobile route map, a copy of which is attached hereto and made a part hereof, and which is published in conjunction with this Ordinance. Operation of snowmobiles on any road other than the prescribed route is declared unlawful.

Section 3. Operation

All snowmobile operation hereunder shall be on the extreme right side of the roadway and all left turns shall be made as safely as possible from any position depending on snow cover and other prevailing conditions.

Section 4. Yield

Snowmobile operators shall yield right of way to other vehicular traffic and pedestrians.

Section 5. Marking Route

The Theresa Pioneers Snowmobile Club or designated local member club of the Dodge County Association of Snowmobile Clubs shall mark the prescribed route in accordance with Wis. Stat. § 350.13, Wisconsin Administrative Code NR 50 and to the satisfaction of the Town of Lomira.

Section 6. Operation on State Highways

No snowmobile operation is permitted on state trunk highways or connecting streets except as provided under Wis. Stat. § 350.02.

Section 7. Regulations Applicable by Reference

Except as otherwise specifically provided in this Ordinance, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes, as amended, are adopted by reference and made a part of this Ordinance as if fully set forth in this Ordinance. Acts required to be performed or prohibited by such statutes are required or prohibited by this chapter: Wis. Stats. §§ 350.01, 350.02, 350.03, 350.04, 350.045, 305.05, 350.06, 350.07, 350.08, 350.09, 350.10, 350.11, 350.15, 350.17 and 350.19.

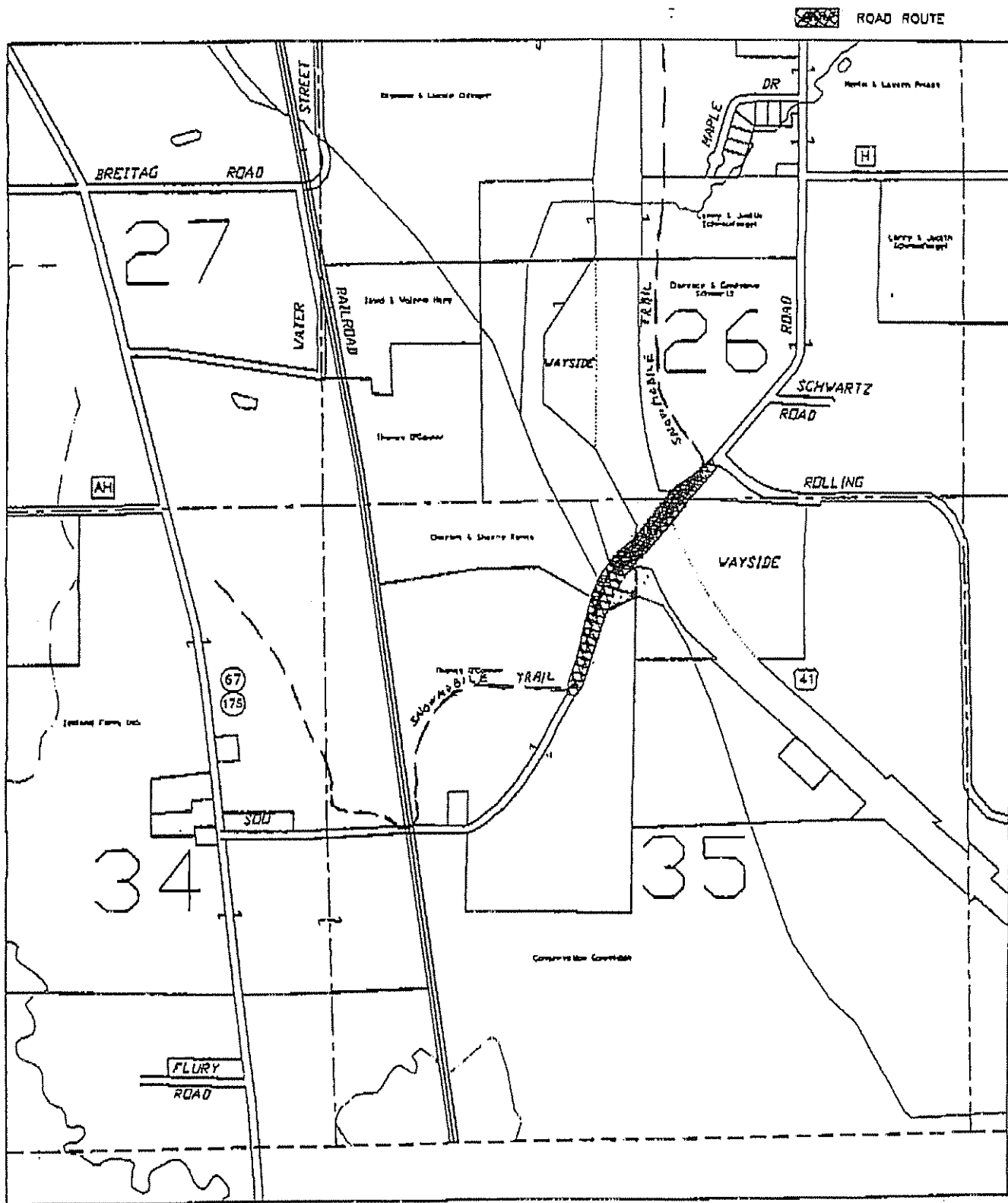
Section 8. Rules of the Road

Snowmobiles operated on designated snowmobile routes over public highways, shall observe the rules of the road for motor vehicles set forth in Chapter 346 of the Wisconsin Statutes, and which is adopted by reference and made a part of this as if fully set forth in this chapter. Any act required to be performed or prohibited by such laws is required or prohibited by this Ordinance.

Section 9. Violation

Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction, forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail of Dodge County until same are paid, not to exceed thirty (30) days.

SNOWMOBILE ROAD ROUTE SOO ROAD - TOWN OF LOMIRA



TOWN OF LOMIRA
DODGE COUNTY

Chapter 9

Recycling Ordinance

Section 1. Title

Recycling Ordinance for the Town of Lomira, Dodge County, Wisconsin.

Section 2. Purpose

The purpose of this Ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stat. § 287.11, and Chapter NR 544, Wis. Administrative Code.

Section 3. Statutory Authority

This Ordinance is adopted as authorized under Wis. Stat. § 287.09(3)(b).

Section 4. Abrogation and Greater Restrictions

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

Section 5. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this Ordinance, or in effect on the date of the most recent text amendment to this Ordinance.

Section 6. Applicability

The requirements of this Ordinance apply to all persons within the Town of Lomira.

Section 7. Administration

The provisions of this Ordinance shall be administered by the Town of Lomira Town Board.

Section 8. Definitions

For purposes of this Ordinance:

- A. Bi-metal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- B. Container board means corrugated paperboard used in the manufacture of shipping containers and related products.
- C. Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - (1) Is designed for serving food or beverages.
 - (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- D. Glass Container means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- E. HDPE means high density polyethylene, labeled by the SPI code #2.
- F. LDPE means low density polyethylene, labeled by the SPI code #4.
- G. Magazines means magazines and other materials printed on similar paper.
- H. Major appliance means a residential or commercial air condition, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler dehumidifier, water heater or stove.
- I. Multiple-family dwelling means a property containing 5 or more residential units, including those which are occupied seasonally.
- J. Newspaper means a newspaper and other materials printed on newsprint.

- K. Non-residential facilities and properties means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- L. Office paper means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- M. Other resins or multiple resins mean plastic resins labeled by the SPI code #7.
- N. Person includes any individual, corporation, partnership, association, local government unit, as defined in Wis. Stat. § 66.0131(1)(a), stage agency or authority or federal agency.
- O. PETE or PET means polyethylene terephthalate, labeled by the SPI code #1.
- P. Plastic container means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- Q. Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).
- R. PP means polypropylene, labeled by the SPI code #5.
- S. PS means polystyrene, labeled by the SPI code #6.
- T. PVC means polyvinyl chloride, labeled by the SPI code #3.
- U. Recyclable materials includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- V. Solid waste has the meaning specified in Wis. Stat. § 289.01(33).
- W. Solid waste facility has the meaning specified in Wis. Stat. § 289.01(35).
- X. Solid waste treatment means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste.

- Y. Treatment includes incineration.
- Z. Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- AA. Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Section 9. Separation of Recyclable Materials

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries
- B. Major appliances
- C. Waste oil
- D. Yard waste
- E. Aluminum containers
- F. Bi-metal containers
- G. Corrugated paper or other container board
- H. Foam polystyrene packaging
- I. Glass containers
- J. Magazines
- K. Newspaper
- L. Office paper
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- N. Steel containers
- O. Waste tires

Section 10. Separation Requirements Exempted

The separation requirements of Section 9 do not apply to the following:

- A. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 9 from solid waste in as pure a form as is technically feasible.
- B. Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in Section 9.E. through 9.O. for which a variance has been granted by the Department of Natural Resources under Wis. Stat. 297.11(2m), or s. NR 544.14, Wis. Administrative Code.

Section 11. Care of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with Section 9 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Section 12. Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste

Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- A. Lead acid batteries shall be placed where recycling attendant directs.
- B. Major appliances shall be placed where recycling attendant directs.
- C. Waste oil shall be placed in a container and placed where recycling attendant directs.
- D. Yard waste shall be not be accepted.

Section 13. Preparation and Collection of Recyclable Materials

Except as otherwise directed by the recycling attendant, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in Section 9.E. through O.:

- A. Aluminum containers shall be rinsed and crushed.
- B. Bi-metal containers shall be rinsed, labels removed, ends out and flattened.
- C. Corrugated paper or other container board shall be flattened and bundled.
- D. Foam polystyrene packaging shall not be accepted and considered solid waste.
- E. Glass containers shall be rinsed, caps and seals removed. Clear, brown, and green glass are the only types accepted.
- F. Magazines, newspapers and office paper shall be placed in paper bags or bundled.
- G. Rigid plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE (#1) shall be rinsed, caps removed, flattened.
 - (2) Plastic containers made of HDPE (#2) shall be rinsed, caps removed, flattened.
 - (3) Plastic containers made of PVC, LDPE, PP, PS and plastic containers made of other resins or multiple resins shall not be accepted and considered solid waste.
 - (4) Steel containers shall be rinsed, labels removed, ends out and flattened.
 - (5) Waste tires shall be placed where recycling attendant directs. Tractor tires shall not be accepted.

Section 14. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Section 9 E. through O.:
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

- (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in A. do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 9 E. through O. from solid waste in as pure a form as is technically feasible.

Section 15. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties

- A. Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Section 9 E. through O.:
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in A. do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 9 E. through O. which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 16. Prohibitions on Disposal of Recyclable Materials Separated for Recycling

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Section 9 E. through O. which have been

separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Section 17. Enforcement

- A. For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee or representative of the Town of Lomira may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Lomira who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- B. Any person who violates a provision of this Ordinance may be issued a citation by the Town of Lomira to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

- C. Penalties for violating this Ordinance may be assessed as follows:
 - (1) Any person who violates Section 18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

 - (2) Any person who violates a provision of this Ordinance, except Section 18, may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 10

Ordinance Prohibiting Public Nuisances

Section 1. Applicability

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisances within the Town of Lomira.

Section 2. Definitions

- A. **Public Nuisance-General.** A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - (2) In any way render the public insecure in life or in the use of property;
 - (3) Greatly offend the public morals or decency;
 - (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property;
 - (5) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.
- B. **Public Nuisances Affecting Health.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 2.A. of this section:
- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (2) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (3) All animals running at large.

- (4) The escape of soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Town.
 - (5) The pollution of any public road right-of-way or public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
 - (6) Any of property, substances or things within the Town emitting or causing any foul, offensive, nauseous, unwholesome or disagreeable odors, gases, stench, liquids or substances offensive to the physical senses to an ordinary person possessed of ordinary tastes and susceptibilities or which otherwise annoy, discomfort, injure or inconvenience the health of persons within the Town. This definition shall not apply to odors produced through the operation of farming practices.
 - (7) All abandoned wells not securely covered or secured from public use.
 - (8) Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked, or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways, or waters.
 - (9) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash, or debris.
- C. Public Nuisances – Intoxicating Liquor. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license or contrary to an existing permit or license, are deemed a public nuisance.
- D. Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of 2.A. of this section:
- (1) All loud, discordant and unnecessary noises or vibrations of any kind.
 - (2) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall annoy or disturb neighbors or other residents of the Town. This definition shall not apply to noises made by farm animals.

- (3) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- (4) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (5) Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard (except when such items are properly housed and out of public view).
- (6) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (7) All items enumerated in Section 2.B., above.

Section 3. Abatement of Public Nuisances

- A. Inspection of Premises. Whenever a complaint is made to a member of the Town Board that a public nuisance exists within the Town, the Town Board shall inspect or cause to be inspected the premises complained of.
- B. Notice to Owner. If the Town Board determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting or maintaining the nuisance or the owner or occupant of the premises to abate or remove such nuisance within three (3) days. The notice shall also state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- C. Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Town shall cause the abatement or removal of such public nuisance.
- D. Abatement by Court Action. If the Town shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to

threaten immediate danger to the public health, safety, peace, morals or decency, the Town may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Dodge County.

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

Section 4. Cost of Abatement

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintain the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Section 5. Penalties

Any person who violates any provision of this ordinance or any order, rule or regulation made hereunder shall, upon conviction, be fined not less than \$50.00, nor more than \$500.00 for each offense, together with the costs of prosecution, including reasonably attorneys' fees. Each day that a violation continues shall be considered a separate offense. Furthermore, the Town shall be permitted to withhold the issuance of licenses, authorities, grants or permits until the nuisance has been abated and all penalties and costs satisfied.

Section 6. Interpretation

The provisions of this ordinance are not intended to supersede or modify provisions of existing Zoning Ordinances or other rules, regulations and ordinances adopted by the Town. Where the provisions of this ordinance impose greater restrictions than any statute, ordinance or covenant, the provisions of this ordinance shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 11

Animal Control Ordinance

Section 1. Definitions

- A. Animal. Every living, warm-blooded creature except a human being.
- B. Animal Shelter. Any facility operated by a humane society or a municipal agency or its authorized agents for the purposes of impounding or caring for animals held under the authority of this or any other ordinance applicable in the Town or under state law.
- C. Farm Animal. Any warm-blooded animal normally raised on farms in Wisconsin and used or intended for use as food or fiber or for the provision thereof.
- D. Impoundment. The taking up of an animal by a law enforcement officer, humane or animal shelter official, or other person in accordance with authorization under this Ordinance and the sheltering, boarding, confinement and care of such animals as may be impounded as a result of violations of this Ordinance. Impoundment shall be at such facilities available to Town residents or Dodge County residents as are or may be established by the Town or the County for the purposes of boarding, confinement and care of strays and abandoned animals and impoundment of animals under County or other Towns' Ordinance providing for the same.
- E. Kennel. Any establishment where dogs or other animals are kept for the purposes of breeding, sale, boarding, training or sporting purposes, all or in part as a service for hire to persons other than or in addition to the kennel owner.
- F. Pet. Any animal kept for pleasure rather than utility.

Section 2. Licensing

- A. Every owner of any dog five months of age or older must obtain a license therefor as provided in Wis. Stat. § 174.05. In accordance with said statute, the minimum license fee for each neutered male or spayed female dog shall be \$5.00. The minimum license fee for each unneutered male or unsprayed female dog shall be \$10.00. The Town Board, in its discretion as authorized by Wis. Stat. §174.05 may increase the license fee to an amount not to exceed the total cost to the Town of all licensing, regulating and impounding activities for the previous year. Dog license fees shall be paid to the County Treasurer in accordance with the provisions of Wis. Stat. § 174.08. Dog license fees established by the Town Board

in excess of the minimum statutory fee shall be paid to the Town Treasurer. IN addition to the license fee established herein, a late fee of \$5.00 shall be assessed and collected from every owner of a dog over the age of five months who fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the dog reaches licensable age. All late fees collected shall be paid to the Town Treasurer.

- B. Application for licenses shall be made to the Town Treasurer and shall include the name and address of the applicant, description of the animal, the appropriate fee, certification by a licensed veterinarian that the animal is neutered or spayed (if applicable), and certification by a licensed veterinarian that the animal has received current immunization for rabies.
- C. Licenses shall be provided for dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons at no charge or fee.
- D. Upon acceptance of the application and payment of the require fee, the Town Treasurer shall issue a license tag to all dogs in accordance with the provision of sec. 174.07, Wis. Stats. The owner shall securely attach the tag to the dog's collar in accordance with the requirements of said section.

Section 3. Kennel Permits

- A. In addition to the licensing option provided under Wis. Stat. § 174.053 every person who owns or operates a kennel shall apply for a kennel permit.
- B. The Town Board hereby imposes a kennel permit fee as follows:
 - (1) \$35.00 for a kennel of 12 or fewer dogs;
 - (2) \$3.00 for each additional dog over 12.
- C. Each permit holder shall, in addition to the other requirements of this Ordinance and the requirements of state statutes, comply with the minimum standards of this section. Failure to comply with these standards shall be grounds for denial or revocation of a kennel permit.
- D. Minimum kennel standards are established as follows:
 - (1) Enclosures shall be provided for adequate protection against weather extremes. Floors, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

- (2) Building temperatures shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be provided to promote health and maintain odor control.
- (3) Each animal shall have sufficient space to stand up, lie down, and turn around without touching the top or sides of the enclosure. Cages shall be of a material that permits cleaning and sanitizing. Concrete floors, unless radiantly heated, shall have bedding or a resting board that allows the animal a resting place that is off the concrete.
- (4) Runs shall provide an adequate exercise area and protection from the weather.
- (5) All animals shall be quartered and all quarters and runs shall be kept clean, dry and sanitary. Food shall be free from contamination and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable for cleaning.
- (6) Every dog that is five months or older that is kept shall be vaccinated against rabies. No dog shall be kept or accepted for boarding or training unless it has been vaccinated for distemper. Any animal that appears to be ill shall be promptly examined by the veterinarian of the animal owner's choice, if known, or by the kennel's veterinarian.

Section 4. Number of Animals Limited

Animal shelters and licensed kennels excepted, no household shall keep in its possession more than a total of 4 licensable dogs over the age of five months unless a person within the household holds a valid Multiple Pet Owner's Permit as provided for in this Ordinance.

Section 5. Multiple Pet Owner's Permit

A pet owner may obtain a permit allowing him to own and keep, on his premises, not more than 12 licensable pets over the age of three months. Breeders of purebred animals who declare a need for additional time to evaluate the quality of the offspring from a litter shall have the right to keep the offspring an additional two months without need of a permit. The permit fee shall be \$25.00. Any complaints of excessive noise, odor, or other Ordinance violation may result in revocation of the permit. All animals shall be housed and cared for in accordance with the standards set forth in this Ordinance. A Multiple Pet Owner's Permit shall be available only for persons owning and keeping pets for their personal pleasure and shall not be a substitute for the kennel permit required for persons housing animals for hire.

Section 6. Care and Treatment of Animals

- A. All animals shall be provided with food free from contamination and in sufficient quantity and nutritive value to meet the animal's normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times.
- B. All animals shall be provided with proper shelter and protection from the weather, veterinary care when needed for routine vaccination and when needed to prevent suffering and with humane care and treatment.
- C. No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard. Such treatment shall be deemed cruelty to animals and such animals may be impounded in any animal shelter available to Town residents.
- D. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. Any animals subjected to such treatment may be impounded.
- E. Every person in charge of or control of any animal which is kept outdoors shall provide such animal with shelter meeting the minimum standards set forth in this section. The foregoing notwithstanding, in the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the Town.
 - (1) All animals shall be provided with a moisture-proof shelter made of a durable material and suitable in size to accommodate the animal and allow for retention of body heat. The shelter shall have a floor raised at least 2 inches off the ground. During the months of September through April, inclusive, the shelter shall have an entrance covered by a self-closing swinging covering or an "L" shaped entrance to prevent the wind from blowing directly into the shelter. During said months, the shelter shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote the retention of body heat.
 - (2) During the months of May through September, inclusive, and at any other such times when sunlight is likely to cause heat exhaustion, all animals shall be provided with shade by natural or artificial means from the direct rays of the sun.
- F. No person shall abandon any animal.

Section 7. Control of Animals

- A. Every animal owner, and every person charged with the care or custody of an animal, shall exercise proper care and control of such animals to prevent them from becoming a public nuisance. Molesting a passerby, chasing vehicles, attacking other animals without provocation, trespassing upon public or private property in such a manner as to cause damage, and excessive or continuous barking, whining or howling, shall be deemed a nuisance.
- B. No animal shall be allowed to run at large within the Town. For the purposes of this section, “running at large” shall embrace all places within the Town other than the premises of the animal’s owner or other person charged with care and custody of the animal if known, or premises rented or otherwise under the direct control and possession of the owner or custodian of the animal. Any animal found running at large, regardless of known ownership or the lack thereof, may be subject to impoundment. This section shall apply bot to animals with known owners or custodians and to stray animals.

Section 8. Dangerous Dogs

- A. No person shall allow a dangerous dog to go unconfined.
- B. No person shall allow a dangerous dog to go beyond the person’s premises unless such dog is muzzled by a device sufficient to prevent such dog from biting persons or other animals and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding four feet in length.
- C. For the purposes of this section, “dangerous dog” means any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of humans or other animals, or any dog which attacks a human being or other animal without provocation.
- D. A dangerous dog is unconfined if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot.
- E. No person shall own or harbor any dog for the purpose of dog fighting, or to train, torment, badger, bait or use any dog for the purposes of causing or encouraging said dog to unprovoked attacks upon human beings or other animals.
- F. The provisions of this section shall apply to adult dogs only, which shall mean any dog over the age of six months.

- G. Any person convicted of violating the provisions of this section shall forfeit an amount not less than \$100.00 nor more than \$1,000.00 or in lieu thereof be imprisoned in the Dodge County Jail for a term not to exceed 90 days. Each day of violation shall constitute a separate offense.
- H. Any dangerous dog which attacks a human being or another animal may be ordered destroyed when, in the Court's judgment, such dangerous dog poses a continuing threat of serious harm to human beings or other animals.
- I. Any person found guilty of violating this section shall be responsible for expenses of prosecution, and all expenses incurred for shelter, food, veterinary care, identification and boarding necessitated by the seizure of any dog for the protection of the public, and any such expenses as may be incurred for the destruction of any such dog.

Section 9. Vicious Animals

- A. No person shall own or keep any vicious animal in the Town.
- B. For purposes of this section, "vicious" shall mean any animal which constitutes a physical threat to human beings or other animals. An animal which, unprovoked, bites 2 persons within a 12-month period shall be presumed to be vicious.
- C. The species of dog commonly known as the "pit bull" is considered by its nature and actions to be a danger to the public and is hereby declared to be a vicious animal. No person shall own or keep a "pit bull" in the Town. Any person owning or keeping a "pit bull" shall be subject to the provisions and penalties set forth in Section 8, above.

Section 10. General Duty

Nothing in this Ordinance is intended to create a cause of action or claim against the Town or its officials or employees running to specific individuals. Any duty created herein is intended to be a general duty running in favor of the public citizenry.

Section 11. Penalty

Except as otherwise specifically provided herein, any person convicted of a violation of any provision of this Ordinance shall forfeit an amount not less than \$50.00 nor more than \$500.00. Each day of a violation shall constitute a separate offense. In addition to all other remedies and penalties, any person convicted of a violation of any portion of this Ordinance pertaining to the care and treatment of animals shall have the license to own, keep, harbor or have custody of animals revoked and no new license shall be issued for a period of one year.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 12

Ordinance Prohibiting Obscene Conduct, Distributing Obscene Material and Promoting the Same in the Town of Lomira

Section 1. Definitions

- A. **Obscene.** Obscene means that:
- (1) To the average person applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest; i.e. a shameful or morbid interest in sexual conduct, nudity or excretion; and
 - (2) The matter depicts or describes in a patently offensive manner sexual conduct; and
 - (3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.
- B. **Material.** Material means any writing, picture, record, motion picture, printed material, or other representation or embodiment of the obscene.
- C. **Person.** Person means any individual, partnership, firm, association, corporation or other legal entity.
- D. **Disseminate.** Disseminate means to transfer possession of, with or without consideration.
- E. **Knowingly.** Knowingly means having general knowledge or reason to know or a belief or ground for believe which warrants further inspection or inquiry.
- F. **Performance.** Performance means any preview, play, show, skit, dance, film, or other exhibition performed before an audience.
- G. **Available to Public.** Available to public means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance.
- H. **Service to Patrons.** Service to patrons means the provision of services to paying guests in establishments providing food and beverages, including but not limited to hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing, and entertaining.

- I. Promote. Promote means to cause, permit, procure, counsel, or assist.
- J. Sexual Conduct. Sexual conduct, as used in this section, shall include the following:
 - (1) Masturbation;
 - (2) Fellatio;
 - (3) Cunnilingus;
 - (4) Sexual Intercourse;
 - (5) Sadism;
 - (6) Masochism;
 - (7) Sado-masochistic Abuse;
 - (8) Bestiality;
 - (9) Sodomy;
 - (10) Group sexual activities in masturbation, fellatio, cunnilingus, sexual intercourse, sadism, masochism, sado-masochistic abuse, sodomy and bestiality.
 - (11) Simulated sexual intercourse, fellatio, cunnilingus, masturbation, sodomy and bestiality.

Section 2. Prohibited Conduct

- A. It shall be unlawful for any person to:
 - (1) Knowingly disseminate, distribute or make available to the public any obscene material; or
 - (2) Knowingly engage or participate in any obscene performance made available to the public; or
 - (3) Knowingly engage in commerce for commercial gain with obscene materials depicting and describing explicit sexual conduct, or excretion, utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or

- (4) Provide service to patrons in such a manner as to expose to public view:
 - (a) His or her genital, pubic hair, buttocks, anal region, or pubic hair region; or
 - (b) Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, anal region, or pubic hair region; or
 - (c) Any portion of the female breast at or below the areola thereof; or
- (5) Knowingly promote the commission of any of the above-listed unlawful acts.

Section 3. Notice of Obscene Material or Action

- A. The Town attorney, on the basis of information lawfully gathered and supplied to him, may give actual notice of the obscene nature of any material, performance or activity to a person involved in or responsible for such.
- B. Such notice shall be in writing and delivered by mail or in person to the alleged offender.
- C. Such notice shall state that:
 - (1) In the opinion of the Town attorney or the Town Board the activity engaged in falls within the prohibition of this section;
 - (2) That if such activity is not ceased within seven days, the Town will take appropriate legal action; and
 - (3) That a declaratory judgment proceeding as described in this section is available if the person engaged in the challenged activity wishes to initiate the legal determination of whether the activity is, in fact, obscene.

Section 4. Types of Proceedings

- A. Declaratory judgment.
 - (1) Any person receiving notice in writing from the Town attorney that the specified activity is obscene may bring an action against the Town for declaratory judgment to determine whether such activity is obscene.
 - (2) If it is adjudged and declared by the Court that such activity is obscene, then the Town attorney may cause a publication of such judgment in a

newspaper of general circulation in this Town, and upon such publication all persons will be presumed to have actual notice of the obscene nature of the activity.

B. Prosecution.

- (1) The Town attorney may cause charges to be brought against any person presently engaging in or who has engaged in any prohibited activity in violation of this section.
- (2) If the Town attorney has given notice pursuant to this section, then such charges may be brought only after seven days after receipt of said notice.

C. Injunction.

- (1) The Town attorney may seek a temporary restraining order to enjoin any obscene performance or the service of patrons in violation of this section.
- (2) If the Town attorney has given written notice pursuant to this section, he may, after the passage of seven days, seek such a temporary restraining order.
- (3) Proceedings authorized by this section shall be in addition to any others provided by law.

Section 5. Penalties

- A. Every person convicted of a violation of this section shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense, and to a forfeiture of not less than five hundred dollars (\$500.00) for the second offense and subsequent offenses. Where no showing of indigency is made, the person violating this section shall be imprisoned in the County Jail until payment of the forfeiture, said imprisonment not to exceed thirty (30) days for each violation.
- B. Each act of violation, and every day upon which the violation occurs or continues, constitutes a separate offense.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 13

Ordinance Regulating the Discharge of Firearms

Section 1. Purpose

The Town of Lomira has determined that the public health, safety, and general welfare is threatened when a person discharges a firearm within any platted subdivision in the Town of Lomira. The purpose of this Ordinance is to prohibit the discharge of firearms within those areas in the Town of Lomira.

Section 2. Authority

The Town has authority to adopt this Ordinance under Wis. Stats. §§ 60.10(2)(c), 60.22, 60.23, 66.0409(3)(b).

Section 3. Definitions

- A. **Firearm.** A weapon that acts by force of gunpowder. “Firearm” also includes pellet guns, bb guns, and air guns.

Section 4. Discharge Prohibition

No person may discharge a firearm within any platted subdivision within the Town of Lomira.*

Section 5. Exceptions

This Ordinance does not apply to law enforcement officers when performing their official duties. Nor does this Ordinance apply if the actor’s conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stat. § 939.45.

Section 6. Enforcement

Any person that violates the provisions of this Ordinance shall be subject to forfeitures of not less than \$100.00 nor more than \$500.00, plus costs and attorneys’ fees, for each violation. Each time a firearm or bow and arrow is discharged constitutes a separate offense for purposes of this Ordinance. The Town may also seek injunctive relief, abatement orders, and other equitable relief as necessary in the event of a violation.

* For informational purposes to residents, as of January 1, 2017 the only platted subdivisions within the Town of Lomira are (1) the unincorporated village of Knowles, (2) Kuen’s Woods, and (3) Priest’s.

TOWN OF LOMIRA
DODGE COUNTY

Chapter 14

Building and Mechanical Code

Section 1: Administrative Code Sections Adopted

The following provisions of the Wisconsin Administrative Code, so far as applicable, are adopted by reference and made a part of this Code:

SPS 360: Erosion Control, Sediment Control and Storm Water Management;
SPS 361: Administration and Enforcement;
SPS 362: Buildings and Structures;
SPS 363: Energy Conservation;
SPS 364: Heating, Ventilating and Air Conditioning;
SPS 365: Fuel Gas Appliances;
SPS 366: Existing Buildings;
SPS 381-387: Plumbing
SPS 375-379 inclusive: Buildings Constructed Prior to 1914;
SPS 320-325 inclusive, and all amendments thereto: One and Two Family Dwelling Code
SPS 316: Electrical

Section 2: Administration

The building inspector, as certified by the Department of Safety and Professional Services, is authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code as herein adopted.

Section 3: Violations

Violations of this Chapter are subject to the General Penalty set forth in the Town of Lomira Code of Ordinances. A copy of each of the above codes shall be kept on file in the office of the Town Clerk.

Originally adopted – 4/12/2017

Amended by Ordinance No. 2019-02 – 9/11/2019

TOWN OF LOMIRA
DODGE COUNTY

Chapter 15

Ordinance Establishing Split Shifts for Election Officials

Section 1. Establishment of Split Shifts. There shall be 2 shifts available for election workers on all election days. The first shift shall commence at 6:30 a.m. and end at 1:30 p.m. The second shift shall commence at 1:30 p.m. and end with completion of all required election-day duties that follow the closure of the polls.

TOWN OF LOMIRA
DODGE COUNTY, WISCONSIN

Chapter 16

Sex Offender Residency Ordinance

Section 1: Recitals

The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

Section 2: Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare in the Town of Lomira by regulating the residency of sex offenders.

Section 3: Definitions

- A. **Sex Offender.** A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a Sexually Violent Offense or a Crime Against Children.
- B. **Sexually Violent Offense.** Shall have the meaning set forth in Wis. Stat. § 980.01(6).
- C. **Crime Against Children.** Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.

Wis. Stat. § 940.225(2) Second Degree Sexual Assault

Wis. Stat. § 940.225(3) Third Degree Sexual Assault

Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist

Wis. Stat. § 940.30 False Imprisonment - Victim was Minor and Not Offender's Child

Wis. Stat. § 940.31 Kidnapping - Victim was Minor and Not Offender's Child
Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)
Wis. Stat. § 944.06 Incest
Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)
Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child
Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child
Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child
Wis. Stat. § 948.05 Sexual Exploitation of a Child
Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity
Wis. Stat. § 948.06 Incest with a Child
Wis. Stat. § 948.07 Child Enticement
Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime
Wis. Stat. § 948.08 Soliciting a Child for Prostitution
Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff
Wis. Stat. § 948.11 (2)(a) or (am) Exposing a Child to Harmful Material
Wis. Stat. § 948.12 Possession of Child Pornography
Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children
Wis. Stat. § 948.30 Abduction of Another's Child
Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense
Wis. Stat. § 975.06 Sex Crime Law Enforcement

- D. Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

Section 4: Residency Restriction

- A. Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses:
 - (1) A school for children.
 - (2) A public park, park facility, or pathway.
 - (3) A daycare licensed by the State of Wisconsin.
 - (4) A public library.
 - (5) A public playground.
 - (6) A public athletic field used by children.
 - (7) A residential care center for children.
 - (8) A public swimming pool.

- B. For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.

Section 5: Residency Restriction Exceptions

A Sex Offender residing within an area otherwise prohibited by Section 4 does not commit an offense if any of the following apply:

- A. The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.

- B. The person had established a Residence, as defined in Section 3 above, at the location prior to the effective date of this Ordinance.

- C. The use enumerated in Section 4 was established after the Sex Offender established a residence at the location and registered that residence as required by law.
- D. The Sex Offender is a minor or ward under guardianship.

Section 6: Safety Zones

No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- A. A school for children.
- B. A public park, park facility, or pathway.
- C. A daycare licensed by the State of Wisconsin.
- D. A public library.
- E. A public playground.
- F. A public athletic field used by children.
- G. A residential care center for children.
- H. A public swimming pool.

Section 7: Safety Zone Exceptions

A Sex Offender present in an area otherwise prohibited by Section 6 does not commit an offense if any of the following apply:

- A. The property supporting a use enumerated in Section 6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:
 - (1) Entrance and presence on the property may occur only during hours of worship or other religious program or service.

- (2) The person may not participate in any religious education programs that include individuals under the age of 18.
- B. The property supporting a use enumerated in Section 6 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.
- c. The property supporting a use enumerated in Section 6 also supports a polling location in a local, state, or federal election, subject to the following conditions:
- (1) The Sex Offender is eligible to vote.
 - (2) The polling location is the designated polling location for the Sex Offender.
 - (3) The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
- D. The property supporting a use enumerated in Section 6 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.
- E. The property supporting a use enumerated in Section 6 also supports a police station, Town Hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

Section 8: Original Residency Restriction

In addition to the other residency restrictions set forth herein and subject to the limitations in Section 5, no Sex Offender may establish a residence in the Town of Lomira unless he or she was a resident of Dodge County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family at the time the Sex Offender establishes residence therein. For purposes of this

section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

Section 9: Rental of Property for use by Sex Offenders

No person may rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

Section 10: Enforcement

A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200 nor more than \$500 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

TOWN OF LOMIRA
DODGE COUNTY, WISCONSIN

Chapter 17

Depositing of Snow on Public Rights-of-Way Ordinance

Section 1: Purpose

The purpose of this Ordinance is to ensure that the traveled portion of any public right-of-way is not impeded by the depositing of snow from private property. This ordinance protects the health, safety and welfare of the citizens of the Town of Lornira.

Section 2: Authority

This Ordinance is enacted pursuant to Chapters 82 and 86 of the Wisconsin Statutes, which grant the Town the obligation for the care and supervision of all highways under the Town jurisdiction, as well as pursuant to the Town's general police powers.

Section 3: Depositing of Snow or Ice on Public Rights-of-Way Prohibited

No person shall remove or cause to be removed any snow or ice from a premises owned or occupied by that person or from any residence, parking lot, parking area, business property or other property owned or occupied by that person by placing snow on the traveled portion of any public right-of-way, including paths and walkways. Snow or ice removed from private property shall not be stored in any manner that will obstruct or limit vehicular or pedestrian vision, movement or access, or in any way make Town rights-of-way unsafe.

Section 4: Depositing Snow or Ice on Public Right-of-Way Declared a Nuisance

No person shall deposit any snow or ice upon the traveled portion of any sidewalk, alley, road or street of the Town contrary to the provisions of this chapter. The depositing of snow or ice upon said Town rights-of-way in an unsafe manner is hereby declared a public nuisance.

Section 5: Penalty

In the case of a first offense, a written warning will be issued to the relevant property owner. In cases of second and subsequent offenses, the owner shall be subject to forfeitures of not less than \$200 nor more than \$500. Each day that an offense continues constitutes a separate offense for purposes of calculating forfeitures.

In addition to all other enforcement measures, the Dodge County Sheriff's Department shall be authorized to issue citations in the event of a second or subsequent violation of this Ordinance.

Section 6: Charge for Removal by the Town

In addition to the penalties provided for the violation of this section, the Town may summarily remove any snow or ice so deposited, and assess the cost of removal to the owner of the property from which the snow or ice was removed as a special charge.

Chapter 18
TOWN OF LOMIRA
DODGE COUNTY, WISCONSIN

ORDINANCE ADOPTING CODE OF ORDINANCES

The Town Board of the Town of Lomira, Dodge County, Wisconsin does hereby ordain as follows:

The Code of Ordinances in book form entitled “Town of Lomira Code of Ordinances”, having been placed on file and open to public inspection in the office of the Town Clerk for a period of two weeks commencing on March 29, 2017, pursuant to Wis. Stat., ' 66.0103, is hereby adopted as the general code of ordinances in and for the Town of Lomira, Dodge County, Wisconsin.

This Ordinance shall take effect upon passage and posting as required by law.

Dated this 12th day of April, 2017.

Ordinance to Appoint Alternate Members for Board of Review

Whereas, § 70.47(6m)(c) authorizes the appointment of alternate members to serve on the board of review when standing members are removed from individual cases;

Now Therefore the Town Board of Lomira, Dodge County does ordain as follows:

1. Adoption.

Pursuant to §§ 70.47 (6m)(c) and 70.46(1) of Wis. Statutes the town board hereby provides for the appointment of alternates to serve on the town board of review in the event a standing board member of the board of review is removed or unable to serve for any reason.

2. Appointments

The following electors of the Town of Lomira are hereby named as alternates in the order indicated to serve as alternate board of review members:

Alternate 1: Marcia Valle

Alternate 2: Ryan Serove

Alternate 3: —

3. Effective Date

The appointments made in this ordinance are for the Year 2016 Board of Review proceedings and succeeding years until such appointments are rescinded by action of the town board and effective upon posting as provided by law.

Passed on the 11th day of May, 2016

By the Town Board of the Town of Lomira

[Signature]
Town Chairperson

Attested by

[Signature]
Town Clerk