

VILLAGE OF BELLEVILLE
SPECIAL MEETING of the VILLAGE BOARD
Monday, November 14, 2011 at 6:00 P.M. – PLEASE NOTE TIME
Village Hall - 24 West Main Street

AGENDA

1. Call Meeting to Order
2. Roll call by Clerk
3. Posting of Open Meeting Notice

**ACTION REQUIRING A VOTE MAY BE TAKEN ON
ANY OF THE FOLLOWING ITEMS**

4. Consent Agenda:

- a. Codification – Editorial Analysis Committee Recommendations for Approval. Chapters as follows:

- | | |
|--|--|
| ii. Chapter 1 Art. I - General Provisions | iii. Chapter 237 – Cigarettes & Tobacco |
| iv. Chapter 32 – Citations* | v. Chapter 320 Art. II – Outside Consumption |
| vi. Chapter 39 – Court** | vii. Chapter 331 – Juveniles |
| viii. Chapter 54 – Elections | ix. Chapter 372 – Nuisances |
| x. Chapter 57 – Emergency Manage. | xi. Chapter 395 – Peace and Good Order |
| xii. Chapter 63 – Ethics ** | xiii. Chapter 425 – Sexually Oriented Bus.** |
| xiv. Chapter 70 – Finance | xv. Chapter 437 – Snowmobiles |
| xvi. Chapter 113 – Newspaper, Official | xvii. Chapter 489 – Vehicles, Abandoned |
| xviii. Chapter 145 – Records | xix. Chapter 493 – Vehicles & Traffic |
| xx. Chapter 183 – Alarm Systems | xxi. Chapter 600 – Subdivision of Land* |
| xxii. Chapter 191 – Animals | xxiii. Chapter 615 – Zoning* |
| xxiv. Chapter 203 – Bicycles & Play Vehicles | Other miscellaneous chapters TBA |
| xxv. Chapter 231 - Cemeteries | |

* = Sections missing comment / question

** = Sections also reviewed by Village Board

5. New Business: Review of Codification Draft / Comments

- | | |
|--|---|
| i. Chapter 160 – Village Board | ii. Chapter 121 – Officers & Employees |
| iii. Chapter 39 – Court | iv. Chapter 20 – Boards, Comm. & Committees |
| v. Chapter 63 - Ethics | vi. Chapter 352 – Mining, Non-Metallic |
| vii. Chapter 358 – Mobile Homes | viii. Chapter 209 – Blasting & Rock Crushing |
| ix. Chapter 452 – Sexually Oriented Bus. | x. Chapter 580 – Floodplain Zoning |
| xi. Chapter 584 – Impact Fees | xii. Chapter 592 – Shoreland – Wetland Zoning |
| xiii. Chapter 442 Solar Energy Systems | |

6. Adjournment

-By Howard Ward, Village President

The Village of Belleville complies with the Americans with Disabilities Act (ADA):

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please contact the person below at least two business days prior to the meeting.

Si necesita un interprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuniquese al numero de telefono que figura a continuacion dos dias habiles como minimo antes de la reunion.

Contact: April Little, Village Administrator, 24 W. Main Street
608.424.3341
alittle@villageofbelleville.com

Final agenda will be posted by 4 p.m. Friday preceding the meeting at these locations:
Union Bank & Trust Co (UB&T), Sugar River Bank, Village Hall, Library, Village of Belleville Web site.

PART I: ADMINISTRATIVE LEGISLATION



Ch. 1, General Provisions

Police Cmte Review

Art. I, Construction and Penalties

Title 1, Ch. 1, of the 1994 Code

- A. The Village might want to add the following to § 1-1, Principles of construction:

Gender. Use has been made of masculine pronouns in this Code solely for the sake of brevity. Unless specifically stated to the contrary, this Code is gender neutral and words in this Code referring to the masculine gender shall also be construed to apply to females, and vice versa.

Decision:

- Add indicated wording
 Do not add this wording

- B. In § 1-10 the reference to "the Wisconsin Statutes for the year 1991-92" could be revised to read "the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time." See similar wording in § 1-1N regarding the Wisconsin Administrative Code.

Decision:

- Revise as indicated
 Revise as follows:
 Make no change

- C. Section 1-4 establishes a penalty for violations of the Code, where no other penalty is provided, of \$20 to \$1,000 for a first offense ^{and} \$30 to \$1,000 for second and subsequent offenses. Are these amounts still satisfactory?

Decision:

- Revise as follows:
 Make no change

Check with Judge

D. In § 1-4A(2) the wording "such prior violation occurred within one year of the instant violation" seems incorrect.

Decision:

- Revise to read "such prior violation occurred within one year of the subsequent violation"
- Revise as follows:

Art. II, Adoption of Code

New

In conjunction with the publication of the new Code we will provide the Village with an ordinance to adopt the Code. This article is reserved for the inclusion of that ordinance following its adoption.

Ch. 9, Administrative Review

Title 4, Ch. 1, of the 1994 Code

This chapter appears satisfactory as written.

Ch. 20, Boards, Commissions and Committees

Title 2, Ch. 4, of the 1994 Code

A. Section 20-2, Zoning Board of Appeals.

- (1) This Board has three different titles that are used in the Code: "Board of Appeals," "Board of Zoning Appeals" and "Zoning Board of Appeals." We recommend using one title consistently.

Decision:

- Use "Zoning Board of Appeals"
- Use "Board of Appeals"
- Use "Board of Zoning Appeals"

- (2) Subsection B(2) lists the following as one of the powers of Zoning Board of Appeals: "To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass." Chapter 580, Floodplain Zoning, and Chapter 615, Zoning, do not use the term

PART I: ADMINISTRATIVE LEGISLATION

Ch. 1, General Provisions

Art. I, Construction and Penalties

Title 1, Ch. 1, of the 1994 Code

A. The Village might want to add the following to § 1-1, Principles of construction:

Gender. Use has been made of masculine pronouns in this Code solely for the sake of brevity. Unless specifically stated to the contrary, this Code is gender neutral and words in this Code referring to the masculine gender shall also be construed to apply to females, and vice versa.

Decision:

- Add indicated wording
- Do not add this wording

B. In § 1-10 the reference to "the Wisconsin Statutes for the year 1991-92" could be revised to read "the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time." See similar wording in § 1-1N regarding the Wisconsin Administrative Code.

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

Judge's Comment:

C. Section 1-4 establishes a penalty for violations of the Code, where no other penalty is provided, of \$20 to \$1,000 for a first offense ~~an~~ \$30 to \$1,000 for second and subsequent offenses. Are these amounts still satisfactory?

Decision:

- Revise as follows:
- Make no change *WJ*

Check with Judge



and

Executive Director shall be as directed by the bylaws of the CDA and subsequent amendments to which as approved by a majority vote of the Village Board." What does "to which" refer to?

Decision:

- Revise to read "the bylaws of the CDA and subsequent amendments thereto as approved by a majority vote of the Village Board"
- Revise as follows:
- Make no change



Ch. 32, Citations

Title 1, Ch. 2, of the 1994 Code

- A. Should the Village Forester be added to the list of officials authorized to issue citations in § 32-2? See § 480-3C(7).

Decision:

- Add Village Forester to § 32-2 *WJ*
- Revise as follows:
- Make no change

- B. In § 32-3 the wording "and may contain additional information" is quite vague. Perhaps the following revision could be made: "and may contain additional information as may be deemed necessary by the Village Board."

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- C. Section 32-4 does not make sense, reading "The schedule...are as established on the deposit schedule." We will revise this section as follows: "The cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule established by the Municipal Judge and approved by the Village Board, a copy of which is on file with the Village Clerk-Treasurer."

1



Ch. 39, Court, Municipal

Secs. 2-3-11 and 2-3-12 of the 1994 Code

- A. Section 39-3 provides for the Municipal Judge to serve for two years. Section 755.02, Wis. Stats., as amended by 2009 Act 402, now provides for a four-year term:

The judges shall be elected at large for a term of 4 years unless a different term, not exceeding 4 years nor less than 2 years, is provided by charter ordinance enacted under s. 66.0101. The term shall commence on May 1 of the year of the judge's election.

Decision:

- Revise § 39-3 to read "The Municipal Judge shall be elected at large for a term of four years commencing on May 1 succeeding the election."
 Revise as follows:
 Make no change *BJ*

- B. Section 39-5C provides for Court to be held in the Municipal Building. The term "Municipal Building" does not appear anywhere else in the Code.

Decision:

- Change "Municipal Building" to "Village Hall" *BJ*
 Revise as follows:
 Make no change

- C. In § 39-6B the wording "not later than the end of each month" could be updated to "within 30 days after receipt of the money by the Municipal Court" for consistency with § 800.10, Wis. Stats., as amended by 2009 Act 402.

Decision:

- Revise as indicated *BJ*
 Revise as follows:
 Make no change

- D. The Village may want to review § 39-9, Contempt of court, against the current provisions of § 800.12, Municipal court contempt procedure, of the statutes, particularly § 800.12(1), which defines "contempt of court."

Decision:

- Replace § 39-9 with: "The Municipal Judge may punish for contempt of court in accordance with § 800.12, Wis. Stats." *LY*
- Revise as follows:
- Make no change

Stop

Ch. 54, Elections

Secs. 2-1-2, 2-1-4 and 2-1-5 of the 1994 Code

The following sentence appears in both Subsections B and C in § 54-3: "All Dane and Green County ballots will use one voting machine which distinguishes Wards 1, 2, 4, 5 and 6 (Dane County) ballots from Ward 3 (Green County)."

Decision:

- Delete sentence from Subsection B
- Delete sentence from Subsection C

Ch. 57, Emergency Management

Title 5, Ch. 5, of the 1994 Code

- A. In § 57-1B(5) is the reference to the "Chamber/Business member" meant to refer to the Chamber of Commerce?

Decision:

- Revise to read "and a Chamber of Commerce or business representative"
- Revise as follows:
- Make no change

- B. Section 57-2 defines "emergency government." Should "emergency government" be changed to "emergency management"? The only other use of the term "emergency government" in this chapter is in § 57-1D:

- D. The Village may want to review § 39-9, Contempt of court, against the current provisions of § 800.12, Municipal court contempt procedure, of the statutes, particularly § 800.12(1), which defines "contempt of court."

Decision:

- Replace § 39-9 with: "The Municipal Judge may punish for contempt of court in accordance with § 800.12, Wis. Stats."
 Revise as follows:
 Make no change



Ch. 54, Elections

Secs. 2-1-2, 2-1-4 and 2-1-5 of the 1994 Code

The following sentence appears in both Subsections B and C in § 54-3: "All Dane and Green County ballots will use one voting machine which distinguishes Wards 1, 2, 4, 5 and 6 (Dane County) ballots from Ward 3 (Green County)."

Decision:

- Delete sentence from Subsection B
 Delete sentence from Subsection C

This may have been changed in 2011 adopted ordinance.

Ch. 57, Emergency Management

Title 5, Ch. 5, of the 1994 Code

- A. In § 57-1B(5) is the reference to the "Chamber/Business member" meant to refer to the Chamber of Commerce?

Decision:

- Revise to read "and a Chamber of Commerce or business representative"
 Revise as follows:
 Make no change

- B. Section 57-2 defines "emergency government." Should "emergency government" be changed to "emergency management"? The only other use of the term "emergency government" in this chapter is in § 57-1D:

- D. The Village may want to review § 39-9, Contempt of court, against the current provisions of § 800.12, Municipal court contempt procedure, of the statutes, particularly § 800.12(1), which defines "contempt of court."

Decision:

- Replace § 39-9 with: "The Municipal Judge may punish for contempt of court in accordance with § 800.12, Wis. Stats."
- Revise as follows:
- Make no change

Ch. 54, Elections

Secs. 2-1-2, 2-1-4 and 2-1-5 of the 1994 Code

The following sentence appears in both Subsections B and C in § 54-3: "All Dane and Green County ballots will use one voting machine which distinguishes Wards 1, 2, 4, 5 and 6 (Dane County) ballots from Ward 3 (Green County)."

Decision:

- Delete sentence from Subsection B
- Delete sentence from Subsection C



Ch. 57, Emergency Management

Title 5, Ch. 5, of the 1994 Code

- A. In § 57-1B(5) is the reference to the "Chamber/Business member" meant to refer to the Chamber of Commerce?

Decision:

- Revise to read "and a Chamber of Commerce or business representative"
- Revise as follows:
- Make no change

- B. Section 57-2 defines "emergency government." Should "emergency government" be changed to "emergency management"? The only other use of the term "emergency government" in this chapter is in § 57-1D:

The Emergency Management Committee shall direct local emergency management training programs and exercises, direct participation in emergency programs and exercises ordered by the county head of emergency government services, and advise the county head of emergency government services on local emergency government programs and submit to him/her such reports as he/she requires.

Decision:

- Change all references to "emergency government" to "emergency management"
- Revise as follows:
- Make no change

Note: County agencies are referred to as "emergency management"

Ch. 63, Ethics

Title 2, Ch. 5, of the 1994 Code

A. In the definition of "organization" in § 63-3 is "body public" supposed to read "body politic"? *Yes*

Decision:

- Change "body public" to "body politic"
- Revise as follows:
- Make no change

B. The authority for the Village to adopt an ordinance establishing a code of ethics is provided by § 19.59, Wis. Stats. Pursuant to Subsection (3)(f) of that section, the ordinance can include "A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding \$1,000 for each offense. A minimum forfeiture not exceeding \$100 for each offense may also be prescribed." Should such a penalty section be added to this chapter?

Decision:

- Add penalty section set at not less than \$100 nor more than \$1,000
- Add a reference to the general penalty in § 1-4
- Make no change

Village of Belleville, WI

The Emergency Management Committee shall direct local emergency management training programs and exercises, direct participation in emergency programs and exercises ordered by the county head of emergency government services, and advise the county head of emergency government services on local emergency government programs and submit to him/her such reports as he/she requires.

Decision:

- Change all references to "emergency government" to "emergency management"
- Revise as follows:
- Make no change



Ch. 63, Ethics

Title 2, Ch. 5, of the 1994 Code

A. In the definition of "organization" in § 63-3 is "body public" supposed to read "body politic"?

Decision:

- Change "body public" to "body politic"
- Revise as follows:
- Make no change

B. The authority for the Village to adopt an ordinance establishing a code of ethics is provided by § 19.59, Wis. Stats. Pursuant to Subsection (3)(f) of that section, the ordinance can include "A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding \$1,000 for each offense. A minimum forfeiture not exceeding \$100 for each offense may also be prescribed." Should such a penalty section be added to this chapter?

Decision:

- Add penalty section set at not less than \$100 nor more than \$1,000
- Add a reference to the general penalty in § 1-4
- Make no change



Ch. 70, Finance and Taxation

Art. I, Finance

Title 3, Ch. 1, and Secs. 1-3-2 and 1-3-3 of the 1994 Code

- A. We will update the references in this article to the Finance Committee to the Finance and Personnel Committee for consistency with § 160-5.
- B. In § 70-3, Subsection C(1) through (5) consist of incomplete sentences. We will add the following lead-in wording: "The proposed budget shall include the following information:"
- C. In § 70-7, Public depositories, the last sentence reads "Pursuant to state law, designated public depositories shall be required to pledge U.S. treasury notes equal in amount to any uninsured balance of the Village's deposit." We could not find such a requirement in the statutes. Section 34.05, Wis. Stats., authorizes the governing body to determine "whether a surety bond or other security shall be required to be furnished under s. 34.07 by the public depository to secure the repayment of such deposits."

Decision:

- Delete the last sentence of § 70-7
- Revise as follows: *follow state statute*
- Make no change

- D. Section 70-12A(1) refers to §§ 61.55 and 61.56, Wis. Stats., both of which were repealed by 2009 Act 173. This subsection could be revised to match the current wording of § 61.54, Wis. Stats., as amended by 2009 Act 173, as follows: "All contracts for public construction shall be let by the Village Board in accordance with § 62.15, Wis. Stats. The Village Board, or a person or body designated by the Village Board, shall exercise the powers and duties of the Board of Public Works under § 62.15, Wis. Stats."

Decision:

- Revise as indicated
- Revise as follows:

- E. Please review § 70-13B, Bid solicitation. The amendments to this section adopted by Ordinance No. 2010-07-01 were somewhat confusing.
 - (1) We have added new Subsection B(1); renumbered former Subsection B(1) through (6) as Subsection B(2) through (7); and added Subsection B(8) and (9). Is this

correct? In the 2010 ordinance, the last two subsections are designated Subsection B(11) and (12) but this numbering seems incorrect.

Decision:

- § 70-13B is correct
- See revisions on enclosed copy

- (2) It is not clear whether the following wording should be deleted from Subsection B(2) [formerly Subsection B(1)]. This wording was not included in the 2010 ordinance but it is not clear whether the Village's intent was to delete this wording:

Purchases of \$10,000 and over, pursuant to Subsection A above, shall be made by formal bid unless exempted from it by action of the Village Board. In lieu of the bid solicitation process above, the Village could take advantage of purchasing articles, goods, wares, material services, or merchandise in bulk through the State of Wisconsin which has already gone through the bidding process and been awarded the state bid contract, or any vendor that honors the state bid contract, or Dane County or Green County which has gone through the bid process as the county bid contract or any vendor that honors the Dane County or Green County bid contract.

Decision:

- Delete this wording
- Retain this wording

- F. Section 70-18 establishes a charge of \$25 for returned checks. Should this amount be retained in the Code or is this charge included in the Village Fee Schedule?

Decision:

- Replace charge amount with a reference to the Village Fee Schedule
- Revise as follows:
- Make no change

Art. II, Special Assessments and Charges

Title 3, Ch. 2, of the 1994 Code

- A. In § 70-19A the wording "out of the proceeds of the special assessments" should be included following "and may provide for the payment of all or any part of the cost of the work or improvement" pursuant to § 66.0703(1)(a), Wis. Stats. We will make this correction.

- B. Section 70-23 provides for publication or posting and mailing of the hearing notice. In § 66.0703(7)(a), Wis. Stats., the notice requirement now reads as follows:

The notice shall be published as a Class 1 notice, under Ch. 985, in the city, town or village and a copy of the notice shall be mailed, at least 10 days before the hearing or proceeding, to every interested person whose post office address is known, or can be ascertained with reasonable diligence.

Decision:

- Revise to match statute
- Revise as follows:
- Make no change

- C. Section 70-29, Special charges permissible.

- (1) In Subsection A we will revise "by allocating all or part of the cost of the property served" to "by allocating all or part of the cost of the service to the property served." See § 66.0627(2), Wis. Stats. We will also revise "Such may include" to read "Such service may include."
- (2) The third sentence in Subsection A is incomplete and does not make sense. Pursuant to the current wording of § 66.0627(3)(b), Wis. Stats., the third and fourth sentences could be replaced with the following:

The Village Board may determine the manner of providing notice of a special charge. Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, the Village Board shall conduct a hearing on whether the service in question will be funded in whole or in part by a special charge. Notice of the hearing shall be given as provided in § 66.0627(3)(b), Wis. Stats.

Decision:

- Revise as indicated
- Revise as follows:

- (3) Were Subsections B and C of this section intended to be deleted by Ordinance No. 2010-07-02?

Decision:

- Delete Subsections B and C
- Retain Subsections B and C

Why should they be deleted (is there any reason to delete otherwise retain)

Village of Belleville, WI

Art. III, Licensees To Pay Local Claims

Title 7, Ch. 11, of the 1994 Code

This article appears satisfactory as written.

ok

Ch. 74, Fire Protection and Emergency Medical Services

Secs. 2-4-9 and 5-2-1 of the 1994 Code

Provided that it reflects current practice, this chapter appears satisfactory as written.

ok

Ch. 85, Grievance Procedures

Art. I, Americans with Disabilities Act

Title 2, Ch. 6, of the 1994 Code

This article appears satisfactory as written.

(X)

Ch. 113, Newspaper, Official

Sec. 2-1-3 of the 1994 Code

This chapter designates the Post Messenger Recorder as the official Village newspaper. Is this designation still correct? *yes*

Decision:

- Revise as follows:
- Make no change

Ch. 121, Officers and Employees

Secs. 2-3-1 to 2-3-10 and 2-3-13 to 2-3-20 of the 1994 Code

- A. Should the Village Attorney and the Village Engineer be added to § 121-2, Appointed officials? Section 121-5 provides that "The Village Attorney shall be appointed pursuant to

Village of Belleville, WI

- D. Section 121-14A requires every Village officer to take the oath of office "within five days of his or her election or appointment or notice thereof." Section 61.21, Wis. Stats., requires the oath of office to be taken "within 5 days after notice of election or appointment."

Decision:

- Revise to match statute
- Revise as follows:
- Make no change

- E. It is our understanding that the Village has established the position of Village Administrator and combined this position with the Clerk-Treasurer. Recent amendments to the Code refer to the Administrator/Clerk/Treasurer. The Village will need to determine how existing references throughout the Code to the Clerk, Treasurer and Clerk-Treasurer should be revised. All such references could simply be updated to "Administrator/Clerk/Treasurer." However, if in the future the Village chooses to separate the positions of Administrator and Clerk-Treasurer, all of these references would then need to be changed (there are currently over 280 references in the Code to the Clerk, Treasurer and Clerk-Treasurer). As an alternative, the title "Clerk-Treasurer" could be used throughout the Code, and a section on the Administrator could be added to this chapter which states that the Administrator serves as Clerk-Treasurer.

Decision:

- Use the title "Administrator/Clerk/Treasurer" throughout the Code
- Use the title "Clerk-Treasurer" throughout the Code; add section to this chapter which states that the Administrator serves as Clerk-Treasurer
- Other:

(Handwritten initials)

Ch. 130, Police Department

Title 5, Ch. 1, of the 1994 Code

Provided that it reflects current procedures, this chapter appears satisfactory as written.

Okay

ole **Ch. 134, Property, Lost, Abandoned and Surplus**

Title 3, Ch. 4, of the 1994 Code

In § 134-2B(1)(c) we will update the reference to the Alcohol, Tobacco and Firearms Bureau of the U.S. Department of Treasury to the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Otherwise this chapter appears satisfactory, provided that it reflects current procedures.



Ch. 145, Records

Title 3, Ch. 3, of the 1994 Code

- A. The definition of "record" in § 145-2 repeats the definition in § 19.32, Wis. Stats., except that the definition in the statute has been amended to include "and optical disks" following "computer printouts."

Decision:

- Add "and optical disks" following "computer printouts"
 Revise as follows:
 Make no change

- B. Section 19.36(5), Wis. Stats., provides as follows: "An authority may withhold access to any record or portion of a record containing information qualifying as a trade secret as defined in s. 134.90(1)(c)." The definition of "trade secret" in § 145-7A(4) does not match the current definition in § 134.90(1)(c), Wis. Stats. Perhaps Subsection A(4) could be revised to read as follows: "A record or portion of a record containing information qualifying as a trade secret as defined in § 134.90(1)(c), Wis. Stats."

Decision:

- Revise as indicated
 Revise as follows:
 Make no change

- C. In § 145-8A(1) we will update "Public Records and Forms Board" to "Public Records Board." See § 15.105(4), Wis. Stats.

PART II: GENERAL LEGISLATION



Ch. 183, Alarm Systems

Title 5, Ch. 4, of the 1994 Code

- A. In the definition of "alarm system" in § 183-3 we will delete "holdup alarm system" following "burglar alarm system" in the second sentence, as this term is not actually defined in this section.
- B. Please note that we have added the requirements for audible alarms which were adopted by the Village in 2010 (Ordinance No. 2010-04-01) as a separate section in this chapter (§ 183-4) rather than in § 183-3, Definitions, as this wording does not actually define the term "audible alarm." In § 183-4 reference is made to "security alarm systems" and "local audible alarms" but these terms are not defined.

Decision:

- Change "security alarm system" to "burglar alarm system"; delete "local" before "audible alarms"
 - Revise as follows: *change "security alarm system" to "alarm system"; delete "local" before "audible alarms"*
 - Make no change
- C. In §§ 183-7A and 183-8 should "alarm company" be changed to "alarm business"? The term defined in § 183-3 is "alarm business."

Decision:

- Change "alarm company" to "alarm business"
 - Change "alarm business" to "alarm company" *- and change definition*
 - Make no change
- D. In § 183-9B should "burglar/fire alarm device" be changed to "alarm system" for consistency with the terms defined in § 183-3?

Decision:

- Change "burglar/fire alarm device" to "alarm system"
- Revise as follows:
- Make no change



Ch. 187, Amusement Parlors and Devices

Title 7, Ch. 9, of the 1994 Code

This chapter appears satisfactory as written.



Ch. 191, Animals

Title 7, Ch. 1, of the 1994 Code

- A. We question whether § 191-1A, License required, could be deleted in light of § 191-3A(1) and (2). Note that § 191-3A(2) refers to a dog more than five months of age on January 1, which is consistent with § 174.05(1), Wis. Stats., while § 191-1A refers to a dog more than five months of age after January 31.

Decision:

- Delete § 191-1A
- Revise as follows: *Delete § 191-1A and ~~delete~~ rename 'Definitions'*
- Make no change

- B. Section 191-2A requires dogs to be vaccinated against rabies at four months of age. Section 95.21, Wis. Stats., requires vaccination of dogs at five months of age. Should this subsection be revised to match the statute? Note that the Village is authorized to impose stricter conditions by § 95.21(9), Wis. Stats.

Decision:

- Change "within 30 days after the dog or cat reaches four months of age" to "at no later than five months of age" and change "after the dog or cat has reached four months of age" to "after the dog or cat has reached five months of age"
- Revise as follows:
- Make no change

- C. Section 191-3B, Kennel licenses, includes the wording "See Village Zoning Code." However, the Zoning Code (Chapter 615) does not contain any provisions relating to kennels.

Decision:

- Delete § 191-3B and all references to kennel licenses
- Delete cross-reference to Zoning Code
- Revise as follows:

- D. Section 191-4 provides for a late fee of \$5. Should this fee be removed from the Code?

Decision:

- Revise to read "a late fee as provided in the Village Fee Schedule"
- Revise as follows:
- Make no change

- E. In § 191-9, regarding the removal of animal feces, the Village might want to add an exception for seeing eye dogs.

Decision:

- Add "This section shall not apply to a person being assisted by a seeing eye dog."
- Revise as follows:
- Make no change

- F. With respect to § 191-12, Prohibited and protected animals, fowl, reptiles and insects, in 2010 the Village repealed original Subsection (a), Protected animals, of this section (Ordinance No. 2010-01-02). It would appear that Subsection (b), Exceptions, now § 191-12A, should also be deleted, as it no longer makes sense now that Subsection (a) has been removed. Section 191-12A begins with a reference to the repealed subsection: "The provisions of Subsection (a) above shall not be deemed..."

Decision:

- Delete § 191-12A [original Sec. 7-1-12(b)]
- Revise as follows:

191-6A(4)
X Revise as follows: Habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities.

Village of Belleville, WI

- G. Section 191-12D begins "Except on lands zoned agricultural." The Village Zoning Code does not specifically establish any agricultural districts in the Village. See § 615-13.

Decision:

- Revise as follows: *add definition of "lands zoned agricultural" to 615-13*
- Make no change

- H. In Chapter 395, Peace and Good Order, § 395-1 provides for the adoption by reference of Chapter 951, Crimes Against Animals, of the Wisconsin Statutes. Accordingly, we question whether the following sections in this chapter, which duplicate provisions in Chapter 951, should be deleted:

- (1) Section 191-13, Sale of rabbits, chicks or artificially colored animals. See § 951.10, Sale of baby rabbits, chicks and other fowl, and § 951.11, Artificially colored animals; sale.
- (2) Section 191-14, Providing proper food and drink to confined animals. See § 951.13, Providing proper food and drink to confined animals.
- (3) Section 191-15, Providing proper shelter. See § 951.14, Providing proper shelter.
- (4) Section 191-17B, Leading animal from motor vehicle. See § 951.04, Leading animal from motor vehicle.
- (5) Section 191-17C, Use of poisonous and controlled substances. See § 951.06, Use of poisonous and controlled substances.
- (6) Section 191-17D, Use of certain devices prohibited. See § 951.07, Use of certain devices prohibited.
- (7) Section 191-17E, Shooting at caged or staked animals. See § 951.09, Shooting at caged or staked animals.

Decision:

- Delete indicated sections and subsections
- Revise as follows:
- Make no change

- I. Section 191-16B is missing wording. Based on similar ordinances, it appears that the following wording should be included after "for the purpose": "of providing medical

treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment."

Decision:

- Add indicated wording
- Revise as follows:

- J. In § 191-18, Limitation on number of dogs or cats, Subsection C was added in 2010 (Ordinance No. 2010-01-02). This subsection first provides that a violation of § 191-18 will be subject to a forfeiture of not less than \$50 and not more than \$200 but then states that violations will be subject to a per-day fine set by the Deposit Schedule. Is the inclusion of two different penalties correct? If the Deposit Schedule applies perhaps this subsection should be revised to read as follows:

A residential unit in violation of this section will have 15 days to come into compliance with this section once written notice is given by a Village official. Failure to comply after 15 days will result in a per-day fine set by the Municipal Court Deposit Schedule.

Decision:

- Revise as set forth above
- Revise as follows:
- Make no change

Ch. 203, Bicycles and Play Vehicles

Title 12, Ch. 2, of the 1994 Code

- A. Section 203-4B and D provide for a fee of \$1 for registration of a bicycle and for transfer of a bicycle. Should this fee be replaced with a reference to the Village Fee Schedule?

Decision:

- Revise § 203-4B and D to refer to the Village Fee Schedule
- Revise as follows:
- Make no change

- B. Section 207-5 adopts by reference portions of Chapter NR 45 of the Administrative Code. The current title of Chapter NR 45 is "Use of Department Properties." We have updated

treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment."

Decision:

- Add indicated wording
- Revise as follows:

- J. In § 191-18, Limitation on number of dogs or cats, Subsection C was added in 2010 (Ordinance No. 2010-01-02). This subsection first provides that a violation of § 191-18 will be subject to a forfeiture of not less than \$50 and not more than \$200 but then states that violations will be subject to a per-day fine set by the Deposit Schedule. Is the inclusion of two different penalties correct? If the Deposit Schedule applies perhaps this subsection should be revised to read as follows:

A residential unit in violation of this section will have 15 days to come into compliance with this section once written notice is given by a Village official. Failure to comply after 15 days will result in a per-day fine set by the Municipal Court Deposit Schedule.

Decision:

- Revise as set forth above
- Revise as follows:
- Make no change



Ch. 203, Bicycles and Play Vehicles

Title 12, Ch. 2, of the 1994 Code

- A. Section 203-4B and D provide for a fee of \$1 for registration of a bicycle and for transfer of a bicycle. Should this fee be replaced with a reference to the Village Fee Schedule?

Decision:

- Revise § 203-4B and D to refer to the Village Fee Schedule
- Revise as follows: 203-4 (c) delete "and bearing the expiration date of registration."
- Make no change

- B. Section 203-5 adopts by reference portions of Chapter NR 45 of the Administrative Code. The current title of Chapter NR 45 is "Use of Department Properties." We have updated

Subsection A of § 203-5 accordingly. Subsection B lists § NR 45.04(3)(h) as "Ban on Alcohol." This subsection is no longer included in § NR 45.04(3).

Decision:

- Delete reference to § NR 45.04(3)(h)
- Revise as follows:
- Make no change

Ch. 209, ~~Blasting and Rock Crushing~~

Sec. 7-8-7 of the 1994 Code

A. Section 209-3D, Plan of operation.

- (1) Should the wording "Each application to permit a rock crusher" read "Each application for a permit to perform blasting or operate a rock crusher"? The plan of operation described in this subsection appears to be required for both blasting and use of a rock crusher.

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- (2) In the last sentence the reference to the "plan of reorganization" apparently should be to the plan of operation required by this subsection. We will make this correction.

B. This chapter requires a permit. For consistency, we will revise "licensing period" to "permit period" in § 209-3B and change "license" and "licensee" in § 209-8 to "permit" and "permittee" respectively.

C. The Village might want to have this chapter reviewed by the Village Engineer or other appropriate official to ensure it reflects current standards.

Decision:

- See revisions on enclosed copy
- No other revisions are needed

Village of Belleville, WI

- G. In § 218-12C the wording "report that fact to the Building Inspector, inspect the streets" apparently should read "report that fact to the Building Inspector, who shall inspect the streets." We will make this correction
- H. The wording of § 218-15A requires revision in the second sentence, where the subject of "may also be subject to a penalty" is currently the Village Attorney. We will revise this wording to read "and such violation may also be subject to a penalty."



Ch. 231, Cemeteries

Title 6, Ch. 6, and Sec. 11-3-5 of the 1994 Code

- A. Section 231-8D, which applies to Belleville Cemetery, provides that "Dogs will only be allowed in the Cemetery when confined in a vehicle." Section 231-15G, which applies to public and private cemeteries in the Village, provides that "Pets, including animals of any species, and horses are prohibited in any cemetery." Should these provisions be made consistent?

Decision:

- Revise as follows: "Pets, including animals of any species, and horses are prohibited in any cemetery, except horses are allowed for funeral services."
- Make no change

- B. The Village might want to add an exception in both §§ 231-8G and 231-15G for guide dogs as follows: "This subsection shall not apply to seeing eye dogs or other service dogs."

Decision:

- Add wording as indicated
- Revise as follows:
- Make no change

Ch. 237, Cigarettes and Tobacco Products

Art. I, Cigarette Licenses

Title 7, Ch. 3, of the 1994 Code

In § 237-3 we question whether the words "any cigarette" should be added as follows: "Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of any cigarette,"

- G. In § 218-12C the wording "report that fact to the Building Inspector, inspect the streets" apparently should read "report that fact to the Building Inspector, who shall inspect the streets." We will make this correction
- H. The wording of § 218-15A requires revision in the second sentence, where the subject of "may also be subject to a penalty" is currently the Village Attorney. We will revise this wording to read "and such violation may also be subject to a penalty."

Ch. 231, Cemeteries

Title 6, Ch. 6, and Sec. 11-3-5 of the 1994 Code

- A. Section 231-8D, which applies to Belleville Cemetery, provides that "Dogs will only be allowed in the Cemetery when confined in a vehicle." Section 231-15G, which applies to public and private cemeteries in the Village, provides that "Pets, including animals of any species, and horses are prohibited in any cemetery." Should these provisions be made consistent?

Decision:

- Revise as follows:
 Make no change

- B. The Village might want to add an exception in both §§ 231-8G and 231-15G for guide dogs as follows: "This subsection shall not apply to seeing eye dogs or other service dogs."

Decision:

- Add wording as indicated
 Revise as follows:
 Make no change



Ch. 237, Cigarettes and Tobacco Products

Art. I, Cigarette Licenses

Title 7, Ch. 3, of the 1994 Code

In § 237-3 we question whether the words "any cigarette" should be added as follows: "Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of any cigarette,

Change "Village Clerk" to "Village Administrator"

cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk-Treasurer." See similar wording in § 237-1.

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

Art. II, Smoking

Sec. 11-3-10 of the 1994 Code

This article appears satisfactory as written.

OK

Ch. 248, Driveways

Title 10, Ch. 9, of the 1994 Code

This chapter appears satisfactory as written, provided that it reflects current construction standards.

Ch. 272, Fires and Fire Prevention

Secs. 5-2-2 to 5-2-9 and 5-3-1 of the 1994 Code

- A. We will update the references in this chapter to the Department of Industry, Labor and Human Relations to the Department of Commerce.
- B. In § 272-2B(4) we question whether the sentence "A copy of such reports shall be filed with the Fire Chief" should be deleted, as this subsection already provides that the reports shall be "kept on file in the office of the Chief of the Fire Department."

Decision:

- Delete last sentence of § 272-2B(4)
 - Revise as follows:
 - Make no change
- C. With respect to § 272-8, Open burning, the Village might want to have this section reviewed by the Fire Chief as to whether it reflects current standards. The State Department of Natural Resources has promulgated a Model Ordinance for Outdoor Burning, Open

under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

- (2) In Subsection D(2) the reference to "an Alcohol Awareness Training Program" apparently is meant to refer to the responsible beverage server training course required by § 125.17(6)(a), Wis. Stats., and Subsection F of this section. We will update this reference accordingly.
- (3) The description of the responsible beverage server training course in Subsection F(1) could be revised to conform to the current wording of § 125.17(6)(a), Wis. Stats., which reads as follows:

a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the educational approval board

Decision:

- Revise to match statute as set forth above
- Revise as follows:
- Make no change

- (4) In Subsection G the wording "or carry a license card" is incomplete. Should this wording read "or the licensee shall carry a license card"?

Decision:

- Revise to read "or the licensee shall carry a license card"
- Revise as follows:
- Make no change

- R. In § 320-22A we have revised the reference to § 125.07(1) to (5) to refer to § 125.07(1) to (4). Section 125.07 does not contain a Subsection (5).



Art. II, Outside Consumption

Sec. 11-4-1 of the 1994 Code

In § 320-24C(2) we will add "This section shall not apply to" at the beginning of the subsection in order to create a complete sentence. Otherwise this article appears satisfactory as written.

Okay

Ch. 331, Juveniles

Police Curfew Review

Title 11, Ch. 5, of the 1994 Code

A. Section 331-1, Curfew.

- (1) The wording of Subsection E(1) does not make sense. Perhaps the following revision could be made:

The first time a child is detained by a law enforcement officer of the Village, as provided in Subsection D, such child and the parent, guardian or person having legal custody of such child shall be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by such child or any other child under the care of such parent, guardian or person having legal custody shall result in a penalty being imposed as hereinafter provided.

Decision:

- Revise as indicated
 Revise as follows: *same as w/ "may" changed to "may"*

- (2) Subsection E(2) establishes the following penalty: "Any minor person under 16 years of age who shall violate this section shall, upon conviction thereof, forfeit not less than \$1 nor more than \$25, together with the costs of prosecution." Is this penalty still satisfactory?

Decision:

- Revise as follows: *check w/ Judge*
 Make no change

B. Section 331-6, Possession, manufacture and delivery of drug paraphernalia.

- (1) The definition of "drug paraphernalia" in Subsection A appears to have originally been copied from § 961.571, Wis. Stats., but no longer matches the statute. Subsection B, Determination of drug paraphernalia, also varies from the current wording of § 961.572, Determination, of the statutes. The Village Attorney should be consulted as to whether these variations are acceptable or if the statutory provisions would control. Perhaps Subsections A and B could be replaced with the following:

For purposes of this section, "drug paraphernalia" shall be defined as provided in § 961.571, Wis. Stats., and the determination of whether an object is drug paraphernalia shall be made in accordance with § 961.572, Wis. Stats.

Decision:

- Replace Subsections A and B as set forth above
- Revise as follows:
- Make no change

- (2) In Subsection C(1) is the wording "No person who is 17 years of age" supposed to read "No person who is under 17 years of age"?

Decision:

- Revise to read "No person who is under 17 years of age"
- Revise as follows:
- Make no change

- (3) For consistency with §§ 961.573(1) and 961.574(1), Wis. Stats., should the wording "with the sole intent" in Subsection C(1) be changed to "with the primary intent" and should the wording "solely used" in Subsection C(2) be changed to "primarily used"?

Decision:

- Revise as indicated
- Make no change

- (4) The title of Subsection C(2) is "Manufacture or delivery of drug paraphernalia" but there is no mention of manufacturing in the actual text of this subsection. The corresponding provision in § 961.574(1), Wis. Stats., includes the following underlined wording: "No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia."

Decision:

- Add underlined wording
- Revise as follows:
- Make no change

- (5) In Subsection C(1) and (2) we question whether the wording "in violation of this subsection" should read "in violation of Ch. 961, Wis. Stats."

Decision:

- Revise as indicated
 Revise as follows:
 Make no change

C. Section 331-7, Truancy.

- (1) Subsection B(1), (2) and (3) do not make sense, reading "No person...is prohibited from being a truant." We will revise "No person" to "A person" in all three subsections.
- (2) The penalties in Subsection C are taken from § 118.163, Wis. Stats., and should not be changed.

D. Section 331-9, Purchase or possession of tobacco products, provides for the adoption by reference of § 254.92, Wis. Stats., but then goes on to include the text of the statute in the section. When a section of the statutes is adopted by reference the text of the section should not be included in the Code (doing so defeats the purpose of adopting the section by reference). See for example § 331-10.

Decision:

- Omit text of statute so section reads "The provisions of § 254.92, Wis. Stats., are hereby adopted by reference and made a part of this section."
 Make no change

E. Section 331-11A, Citation process, provides that "A carbon copy will be mailed to the parent or legal guardian." Should "carbon copy" be changed to "copy"?

Decision:

- Change "carbon copy" to "copy"
 Revise as follows:
 Make no change

Ch. 352, Mining, Nonmetallic

Secs. 7-8-1 to 7-8-6 of the 1994 Code

- A. Uniform statewide standards for nonmetallic mining are established by the Department of Natural Resources (DNR) in Ch. NR 135, Wis. Adm. Code, adopted in 2000, as amended. Pursuant to § 295.14, Wis. Stats., the Village can administer a nonmetallic mining reclamation ordinance only if the ordinance complies with the DNR rules. The Village might want to consult with its Attorney as to whether any revisions are needed to this chapter, as it does not appear to have been amended since its inclusion in the Village Code in 1994. A model ordinance can be requested from the DNR through the Department's website: <http://www.dnr.state.wi.us>

Decision:

- See revisions on enclosed copy
 Make no change

- B. The Village might want to review the definitions in § 352-2 in conjunction with the current definitions provided in § 295.11, Wis. Stats.

Decision:

- Replace § 352-2 with the following: "Terms used in this chapter shall be defined as provided in § 295.11, Wis. Stats."
 Revise as follows:
 Make no change

- C. Section 352-5A requires a permit. For consistency we will revise "license" to "permit" in § 352-5D and E.

Ch. 358, Mobile Homes

Title 7, Ch. 5, of the 1994 Code

- A. The fee imposed by § 358-1 is referred to as the "monthly parking fee," "parking permit fee" and "monthly parking permit fee." We recommend standardizing these references to

Ch. 331, Juveniles

Judges Review

Title 11, Ch. 5, of the 1994 Code

A. Section 331-1, Curfew.

- (1) The wording of Subsection E(1) does not make sense. Perhaps the following revision could be made:

The first time a child is detained by a law enforcement officer of the Village, as provided in Subsection D, such child and the parent, guardian or person having legal custody of such child shall be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by such child or any other child under the care of such parent, guardian or person having legal custody shall result in a penalty being imposed as hereinafter provided.

Decision:

- Revise as indicated
- Revise as follows: *same as w/ "shall" changed to "may"*

- (2) Subsection E(2) establishes the following penalty: "Any minor person under 16 years of age who shall violate this section shall, upon conviction thereof, forfeit not less than \$1 nor more than \$25, together with the costs of prosecution." Is this penalty still satisfactory?

Decision:

- Revise as follows: *check w/ Judge By*
- Make no change

B. Section 331-6, Possession, manufacture and delivery of drug paraphernalia.

- (1) The definition of "drug paraphernalia" in Subsection A appears to have originally been copied from § 961.571, Wis. Stats., but no longer matches the statute. Subsection B, Determination of drug paraphernalia, also varies from the current wording of § 961.572, Determination, of the statutes. The Village Attorney should be consulted at to whether these variations are acceptable or if the statutory provisions would control. Perhaps Subsections A and B could be replaced with the following:

"monthly permit fee" for consistency with § 66.0435(3), Wis. Stats.

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- B. Pursuant to § 66.0435(3)(a), Wis. Stats., the Village is authorized to impose a penalty of not more than \$25 for failure to comply with the reporting requirements of § 358-1A. Perhaps the following wording could be added to § 358-1A: "Failure to comply with this subsection shall be subject to a forfeiture of not more than \$25. Each failure to report is a separate offense."

Decision:

- Add wording as indicated
- Make no change



Ch. 372, Nuisances

Secs. 8-1-1 and 8-1-2 and Title 11, Ch. 6, of the 1994 Code

- A. Section 372-3A deals with the Village Board acting as Board of Health. According to Chapter 20, § 20-5, the Village has elected to have the County Board of Health serve as the Board of Health for the Village.

Decision:

- Delete § 372-3A
- Revise as follows:
- Make no change

- B. In § 372-3B(12), Air pollution, is the wording "within the limits" supposed to read "within the Village limits"?

Decision:

- Revise to read "within the Village limits"
- Revise as follows:
- Make no change

(2) Subsection C(1) provides for a filing fee of \$25. Should this fee be replaced with a reference to the Village Fee Schedule?

Decision:

- Replace fee with reference to Fee Schedule
- Revise as follows:
- Make no change

C. In § 403-17, Regulation of length of lawn and grasses, Subsection E(2) provides that a notice to have the lawn or grass cut will be served "at least five days before the grass or lawn will be cut" but then provides that the notice will give the property owner up to seven days to correct the violation. If the property owner is to be given seven days to comply, it would seem that the notice would have to be served at least seven days before the Village takes action, not five.

Decision:

- Change "at least five days before the grass or lawn will be cut" to "at least seven days before the grass or lawn will be cut"
- Revise as follows:



Art. III, Junk and Unsightly Materials

Title 11, Ch. 8, of the 1994 Code

This article appears satisfactory as written.

Ch. 425, Sexually Oriented Businesses

Title 7, Ch. 12, of the 1994 Code

A. In the definition of "public place" in § 425-2, the last sentence refers to a "family-oriented clothing optional facility." Is this wording correct?

Decision:

- Delete "family-oriented"
- Revise as follows:
- Make no change

Village of Belleville, WI

"monthly permit fee" for consistency with § 66.0435(3), Wis. Stats.

Decision:

- Revise as indicated
- Revise as follows:
- Make no change

- B. Pursuant to § 66.0435(3)(h), Wis. Stats., the Village is authorized to impose a penalty of not more than \$25 for failure to comply with the reporting requirements of § 358-1A. Perhaps the following wording could be added to § 358-1A: "Failure to comply with this subsection shall be subject to a forfeiture of not more than \$25. Each failure to report is a separate offense."

Decision:

- Add wording as indicated
- Make no change



Ch. 372, Nuisances

Secs. 8-1-1 and 8-1-2 and Title 11, Ch. 6, of the 1994 Code

- A. Section 372-3A deals with the Village Board acting as Board of Health. According to Chapter 20, § 20-5, the Village has elected to have the County Board of Health serve as the Board of Health for the Village.

Decision:

- Delete § 372-3A
- Revise as follows:
- Make no change

- B. In § 372-3B(12), Air pollution, is the wording "within the limits" supposed to read "within the Village limits"?

Decision:

- Revise to read "within the Village limits"
- Revise as follows:
- Make no change

OK

Ch. 380, Official Map

Title 10, Ch. 5, of the 1994 Code

This chapter appears satisfactory as written.

OK

Ch. 390, Parks and Recreation

Title 6, Ch. 5, of the 1994 Code

Provided that it reflects current regulations with respect to Village parks, this chapter appears satisfactory as written.

OK

Ch. 395, Peace and Good Order

Title 11, Chs. 1, 2 and 3, and of the 1994 Code

- A. The list of sections of the Wisconsin Statutes in § 395-1 has been updated to reflect the current section numbers and titles. We have also deleted the following: § 29.288, repealed by 1989 Act 335; § 943.23(4), repealed by 1993 Act 92; and § 947.047, repealed by 1989 Act 335.
- B. Section 395-1 provides for the adoption by reference of §§ 134.66 and 254.92, Wis. Stats. These sections are also adopted by reference in Chapter 331, §§ 331-9 and 331-10.

Decision:

- Delete §§ 134.66 and 254.92, Wis. Stats., from § 395-1
- Revise as follows:
- Make no change

- C. Ordinance No. 2010-01-03 provided for certain sections in Title 11, Chapter 2 (now Article II of this chapter) to be renumbered or reordered but did not indicate how they should be renumbered or reordered. We were unsure of the intent of the amendments listed below. If any changes are needed to these sections we will need clearer direction. Ordinance No. 2010-01-03 provided:

- (1) "Section 11-2-1 is renumbered." See now § 395-3.

Village of Belleville, WI

- (2) "Section 11-2-2(d) subparagraphs 1 and 2 are reordered." See now § 395-4D(1) and (2).
- (3) "Section 11-2-5 paragraphs a, b and c are reordered." See now § 395-7A, B and C.
- (4) "Section 11-2-6 paragraphs a, b, c, d and e are reordered." See now § 395-8A, B, C, D and E.
- (5) "Section 11-2-9 paragraphs a, b, c, d and e are reordered." See now § 395-11A, B, C, D and E.

Decision:

Disregard these items

See revisions on enclosed copy *Put definitions section first
rest in line*

- D. The following wording is included twice in §395-3, in Subsection A and again in Subsection D: "this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board."

Decision:

Delete indicated wording from Subsection A

Delete Subsection D

- E. Section 395-3E provides as follows: "No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board, upon the recommendation of the Village Board."
 - (1) Chapter 209, Blasting and Rock Crushing, provides for issuance of a permit by the Village Clerk-Treasurer after recommendation from the Village Engineer. Should § 395-3E reflect the procedure in Chapter 209?

Decision:

Revise to read "...without first obtaining a permit as provided in Chapter 209 of this Code."

Revise as follows:

Make no change

395-5
395-4 -ccw

} Further review needed due to change
in state statutes

Part II: General Legislation

- (2) The inclusion of the Village Board twice seems incorrect. Is the recommendation supposed to be from another Village official, such as the Village Engineer?

Decision:

- Revise to read "upon the recommendation of the Village Engineer"
 Delete "upon the recommendation of the Village Board"
 Not applicable; subsection revised per (1) above

- F. The same definitions of "loiter" and "nuisance" are included in three different sections in this chapter. To eliminate this duplication, we recommend revising §§ 395-8E and 395-11E to read as follows: "As used in this section, the terms 'loiter' and 'nuisance' shall be defined as provided in § 395-7C."

Decision:

- Revise as suggested
 Revise as follows:
 Make no change

- G. In § 395-10, Disorderly conduct:

- (1) Subsection A(3) deals with telephone calls. We question whether this subsection is necessary in light of § 395-16B, Harassing or obscene telephone calls or electronic communications.

Decision:

- Delete Subsection A(3)
 Revise as follows:
 Make no change

- (2) Indecent exposure is prohibited twice, in Subsection A(4), "indecently expose his or her person," and again at the end of Subsection B, "or to indecently expose his or her person."

Decision:

- Delete "or to indecently expose his or her person" from Subsection B
 Delete Subsection A(4)
 Other:

H. In § 395-11, Unauthorized presence on school property, in Subsection B(4), we recommend changing "an area that regulates parking to certain authorized vehicles" to "an area that restricts parking to certain authorized vehicles." This subsection also provides that "Such vehicle owner...may be towed away at the direction of the school principal or person in charge of such school building." We recommend the following correction: "Such vehicle owner may be issued a Village summons that regulates parking or the vehicle may be towed away at the direction of the school principal or person in charge of such school building."

395-11(B)(3)
move to
Section A

95-11(B)(4)
move to
Section A

Decision:

- Revise as indicated
- Revise as follows: *as above + change "summons" to "Notice of Parking Violation"*

Notice of Parking Violation

I. In § 395-13 we question whether the following wording could be deleted from the end of Subsection B as it essentially repeats wording already included in Subsection A: "or to fail to obey the order or direction of such officer while such officer is acting in his or her official capacity in carrying out his or her duties."

Decision:

395-14(E)
Definitions of
the beginning
of section

- Delete indicated wording from Subsection B
- Revise as follows:
- Make no change

J. Section 395-14, Drugs and drug paraphernalia.

(1) The definition of "practitioner" in Subsection B(2) no longer matches the definition in § 961.01(19), Wis. Stats. The Village might want to consider simply referencing the statutory definition.

Decision:

- Revise to read "For purposes of this section, 'practitioner' shall be defined as provided in § 961.01(19), Wis. Stats."
 - Revise definition to match the definition in § 961.01(19)
 - Make no change
- (2) Subsection C of this section appears to have been created by copying text from §§ 961.571 to 961.575 of the statutes but no longer matches these sections. Additional inconsistencies will be created as the statutes are amended. The Village Attorney should be consulted as to whether it would be more appropriate for the

395-16 B - Change "whoever" to "A person who"

Part II: General Legislation

Village to adopt §§ 961.571 through 961.575 by reference by adding these sections to § 395-1 of this chapter.

Decision:

- Add §§ 961.571 to 961.575 to § 395-1; delete § 395-14C
- See revisions on enclosed copy
- Make no change

- (3) If Subsection C is retained, we question whether "intent to use" is supposed to read "intent to deliver" in Subsection C(3)(c): "No person may deliver, possess with the primary intent to use, or manufacture with intent to deliver, drug paraphernalia." The corresponding wording in § 961.574(1), Wis. Stats., reads "intent to deliver."

Decision:

- Change "use" to deliver" *didn't keep (c)*
- Make no change

- (4) Subsection C(3)(c) applies only to "a controlled substance analog of methamphetamine." Is this wording correct? In § 961.574(1), Wis. Stats., reads "a controlled substance or controlled substance analog." Section 961.574(3), Wis. Stats., reads "methamphetamine or a controlled substance analog of methamphetamine."
didn't keep (c)

Decision:

- Revise as follows:
- Make no change

395-19 C(1)
'18' change to '17'
395-19 C(2)
'14' change to '10'

K. The following sections in this chapter include forfeiture amounts. These amounts should be reviewed to ensure they are still satisfactory:

- (1) In § 395-19, Destruction of property, Subsection C(2), a forfeiture not to exceed \$50 for violations by minors 12 to 17 years of age.
- (2) In § 395-24, Retail theft, Subsection D: "If the value of the merchandise does not exceed \$2,500, any person violating this section shall forfeit not more than \$200."

Decision:

- Revise as follows: *Ask Judge*
- Make no change

395-22 library material - change "microform" to "microfilm"

General Code

395-22(B) - local librarian believes there is no requirement to have village attorney send notice delete. "and Village Attorney" 61

395-16 B - Change "whoever" to "A person who"

Part II: General Legislation

Village to adopt §§ 961.571 through 961.575 by reference by adding these sections to § 395-1 of this chapter.

Decision:

- Add §§ 961.571 to 961.575 to § 395-1; delete § 395-14C
- See revisions on enclosed copy
- Make no change

(3) If Subsection C is retained, we question whether "intent to use" is supposed to read "intent to deliver" in Subsection C(3)(c): "No person may deliver, possess with the primary intent to use, or manufacture with intent to deliver, drug paraphernalia." The corresponding wording in § 961.574(1), Wis. Stats., reads "intent to deliver."

Decision:

- Change "use" to deliver" *didn't keep (c)*
- Make no change

(4) Subsection C(3)(c) applies only to "a controlled substance analog of methamphetamine." Is this wording correct? In § 961.574(1), Wis. Stats., reads "a controlled substance or controlled substance analog." Section 961.574(3), Wis. Stats., reads "methamphetamine or a controlled substance analog of methamphetamine."

Decision:

- Revise as follows:
- Make no change

didn't keep (c)

Judge's Review

*95-19 c(1) K. 18 change to '17'
15-19 c(2)
17 change to '16'*

The following sections in this chapter include forfeiture amounts. These amounts should be reviewed to ensure they are still satisfactory:

- (1) In § 395-19, Destruction of property, Subsection C(2), a forfeiture not to exceed \$50 for violations by minors 12 to 17 years of age.
- (2) In § 395-24, Retail theft, Subsection D: "If the value of the merchandise does not exceed \$2,500, any person violating this section shall forfeit not more than \$200."

Decision:

- Revise as follows: *Ask Judge*
- Make no change

395-22 library material - change "microform" to "microfilm"

General Code

395-22(8) - local librarian believes there is no requirement to have Village attorney send notice delete "and Village Attorney" 61

Ch. 403, Property Maintenance

Art. I, General Standards

Title 10, Ch. 10, of the 1994 Code

This article appears satisfactory as written.

Art. II, Brush, Grass and Weeds

Secs. 8-1-4, 8-1-5 and 8-16 of the 1994 Code

- A. Section 403-15B was amended in 2010 to add the following sentence: "Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than 24 hours or greater than seven days and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be."

The addition of this wording does not make sense in the context of the rest of this subsection. Subsection B already provides for delivery of a notice, requires action within five days of the notice, and provides for the expense of removal by the Village to be charged to the property. We question whether this new wording was meant to be added to a different subsection. If it is retained, the Village will need to resolve the conflicting time frames for action (five days or seven days).

Decision:

- Delete last sentence of § 403-15B
- Revise as follows:

- B. Section 403-16, Regulation of natural lawns.

- (1) Please clarify the correct title of the permit issued under this section, as it is given three different names in this section: natural lawn management permit, natural lawn permit and natural lawn management plan permit. To avoid confusion with the natural lawn management plan, which is also required by this section, it would seem that the designation "natural lawn permit" would work best.

Decision:

- Use "natural lawn permit"
- Use the following:

- (2) Subsection C(1) provides for a filing fee of \$25. Should this fee be replaced with a reference to the Village Fee Schedule?

Decision:

- Replace fee with reference to Fee Schedule
 Revise as follows:
 Make no change

- C. In § 403-17, Regulation of length of lawn and grasses, Subsection E(2) provides that a notice to have the lawn or grass cut will be served "at least five days before the grass or lawn will be cut" but then provides that the notice will give the property owner up to seven days to correct the violation. If the property owner is to be given seven days to comply, it would seem that the notice would have to be served at least seven days before the Village takes action, not five.

Decision:

- Change "at least five days before the grass or lawn will be cut" to "at least seven days before the grass or lawn will be cut"
 Revise as follows:

Art. III, Junk and Unsightly Materials

Title 11, Ch. 8, of the 1994 Code

This article appears satisfactory as written.



Ch. 425, Sexually Oriented Businesses

Title 7, Ch. 12, of the 1994 Code

- A. In the definition of "public place" in § 425-2, the last sentence refers to a "family-oriented clothing optional facility." Is this wording correct?

Decision:

- Delete "family-oriented"
 Revise as follows:
 Make no change

Village of Belleville, WI

- B. In § 425-4B we will revise "adult oriented" to "sexually oriented" for consistency with the rest of this chapter.
- C. In § 425-7, Issuance of license, Subsection A begins "Upon the filing of an application for a Sexually Oriented Business Employee license." Subsection B then begins "Upon the filing of an application for a Sexually Oriented Business Employee." It appears that Subsection B is meant to apply to the application for a business license, not an employee license. Accordingly, we will revise "sexually oriented business employee" in Subsection B to read "sexually oriented business license."
- D. In § 425-7G should "Class A" notice read "Class 1 notice"?

Decision:

- Revise to Class 1 notice
- Revise as follows:
- Make no change

- E. Section 425-9E(2) and (3) are identical except that Subsection E(2) begins "No employee holder" and Subsection E(3) begins "No employee or holder." Is this correct?

Decision:

- Delete Subsection E(2)
- Revise as follows:

- F. Section 425-19, Fees.

- (1) Subsections A and B both begin "Every application for a sexually oriented business license." Is Subsection B supposed to apply to an employee license rather than a business license?

Decision:

- Revise Subsection B to read "Every application for a sexually oriented business employee license"
- Revise as follows:
- Make no change

425-7 (and maybe other locations - Change "Village Clerk" to "Village Administrator")
 Capitalization for Sexually Oriented Business License
 other words such as person or room in lower case

425-9(C)(C) Questioned wording 'opaque'

- (2) Should the fee amounts in Subsections A and B be replaced with a reference to the Village Fee Schedule?

Decision:

- Replace fees with reference to Village Fee Schedule
 Revise as follows:
 Make no change

Ch. 437, Snowmobiles

Title 12, Ch. 3, of the 1994 Code

A. Section 437-6, Penalty.

- (1) This section provides that violations of this chapter shall be subject to a forfeiture of not less than \$20 nor more than \$500. Are these amounts still satisfactory?

Decision:

- Revise to refer to the general penalty in § 1-4
 Revise as follows:
 Make no change

- (2) The wording "and, in default of payment thereof" is unconnected to the rest of this section and does not make sense. This wording typically precedes a term of imprisonment.

Decision:

- Delete "and, in default of payment thereof"
 Revise as follows:

- B. In § 437-7E we will update the reference to the State Board of Circuit Court Judges to the Wisconsin Judicial Conference.

~~(2) Should the fee amounts in Subsections A and B be replaced with a reference to the Village Fee Schedule?~~

Decision:

- Replace fees with reference to Village Fee Schedule
- Revise as follows:
- Make no change

(X)

Ch. 437, Snowmobiles

Police Cmtk Review

Title 12, Ch. 3, of the 1994 Code

A. Section 437-6, Penalty.

(1) This section provides that violations of this chapter shall be subject to a forfeiture of not less than \$20 nor more than \$500. Are these amounts still satisfactory?

Decision:

ask Judge

- Revise to refer to the general penalty in § 1-4
- Revise as follows:
- Make no change

(2) The wording "and, in default of payment thereof" is unconnected to the rest of this section and does not make sense. This wording typically precedes a term of imprisonment.

Decision:

- Delete "and, in default of payment thereof"
- Revise as follows:

B. In § 437-7E we will update the reference to the State Board of Circuit Court Judges to the Wisconsin Judicial Conference.

okay

- (2) Should the fee amounts in Subsections A and B be replaced with a reference to the Village Fee Schedule?

Decision:

- Replace fees with reference to Village Fee Schedule
 Revise as follows:
 Make no change



Ch. 437, Snowmobiles

Judge's Review

Title 12, Ch. 3, of the 1994 Code

A. Section 437-6, Penalty.

- (1) This section provides that violations of this chapter shall be subject to a forfeiture of not less than \$20 nor more than \$500. Are these amounts still satisfactory?

Decision:

ask Judge

- Revise to refer to the general penalty in § 1-4
 Revise as follows:
 Make no change

- (2) The wording "and, in default of payment thereof" is unconnected to the rest of this section and does not make sense. This wording typically precedes a term of imprisonment.

Decision:

- Delete "and, in default of payment thereof"
 Revise as follows:

- B. In § 437-7E we will update the reference to the State Board of Circuit Court Judges to the Wisconsin Judicial Conference.

Okay



Ch. 489, Vehicles, Abandoned

Title 12, Ch. 5, of the 1994 Code

Provided that it reflects current procedures, this chapter appears satisfactory as written.

Put definitions first

Ch. 493, Vehicles and Traffic

Title 12, Chs. 1, 4 and 6, of the 1994 Code

- A. In § 493-1B, Other state laws adopted, we have updated the reference to § 941.03, Wis. Stats., to § 941.30, Wis. Stats., and deleted the reference to § 947.045 (Drinking in motor vehicle on highway). Section 947.045 was renumbered as § 346.935 (Intoxicants in motor vehicles) and Chapter 346 is already adopted by reference in § 493-1A.
- B. Section 493-1C provides that references to the Wisconsin Statutes in this chapter mean the Wisconsin Statutes of 1991-92. This subsection could be deleted in light of Chapter 1, § 1-10, which applies to the entire Code. See our comments above under Chapter 1 regarding § 1-10.

Decision:

- Delete § 493-1C
- Revise as follows:
- Make no change

- C. In § 493-3C should the reference to the State Highway Commission be updated to the Department of Transportation?

Decision:

- Revise to Department of Transportation
- Revise as follows:
- Make no change

- D. Subsections C and D in § 493-20 contain essentially the same wording. These two subsections typically read as follows:

C. Removal by law enforcement officer. Any law enforcement officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.

~~Ch. 489, Vehicles, Abandoned~~

~~Title 12, Ch. 5, of the 1994 Code~~

~~Provided that it reflects current procedures, this chapter appears satisfactory as written.~~



Ch. 493, Vehicles and Traffic

Title 12, Chs. 1, 4 and 6, of the 1994 Code

- A. In § 493-1B, Other state laws adopted, we have updated the reference to § 941.03, Wis. Stats., to § 941.30, Wis. Stats., and deleted the reference to § 947.045 (Drinking in motor vehicle on highway). Section 947.045 was renumbered as § 346.935 (Intoxicants in motor vehicles) and Chapter 346 is already adopted by reference in § 493-1A.
- B. Section 493-1C provides that references to the Wisconsin Statutes in this chapter mean the Wisconsin Statutes of 1991-92. This subsection could be deleted in light of Chapter 1, § 1-10, which applies to the entire Code. See our comments above under Chapter 1 regarding § 1-10.

Decision:

- Delete § 493-1C — Change "there" to "these"
- Revise as follows: →
- Make no change

- C. In § 493-3C should the reference to the State Highway Commission be updated to the Department of Transportation?

Decision:

- Revise to Department of Transportation
- Revise as follows:
- Make no change

- D. Subsections C and D in § 493-20 contain essentially the same wording. These two subsections typically read as follows:

C. Removal by law enforcement officer. Any law enforcement officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.

493-10 E - switch "Village limits" & "Main Street"

General Code
493-11 B(5) delete "be and"

D. Removal by private service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer which performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

Decision:

- Revise § 493-20C and D as set forth above
- Revise as follows: *in C - change "remove" to "move"*
- Make no change

E. In § 493-35, regarding low-speed vehicles, we have revised "See the penalty section of the ordinances" to "See Chapter 1, General Provisions, § 1-4." Is this change acceptable?

Decision:

- Change is acceptable
- Revise as follows:

493-24 D(2) ~~§(1)~~ - switch put definitions first

Ch. 505, Waste Management

*493-30D(2)
Village may
delegate the
authority. ✓*

Title 8, Ch. 3, and Sec. 8-1-3 of the 1994 Code

The definition of "hazardous waste or hazardous substance" in § 505-3 contains outdated references to § 144.62, Wis. Stats., which was repealed in part and renumbered in part by 1995 Act 227, and Chapter NR 181 of the Administrative Code, which no longer exists. We were unable to determine exactly how these references should be updated. Hazardous waste management is now governed in the Administrative Code in Chapters NR 660 through 679 and in the statutes in Chapter 291, Hazardous Waste Management. The definition of "hazardous waste" in § 291.01(7), Wis. Stats., currently reads as follows:

"Hazardous waste" or "waste" means any solid waste identified by the department as hazardous under s. 291.05(1), (2) or (4).

Decision:

- Replace definition with: "Hazardous waste or hazardous substance -- As defined in § 291.01(7), Wis. Stats."
- See revisions on enclosed copy

B. The definition of "postconsumer waste" in § 505-3 appears to be missing wording. This definition usually reads as follows:

Bill Preboski

- H. The definition of "boathouse" in § 592-24 does not match the current definition in § 30.01(1d), Wis. Stats., which reads as follows: "Boathouse means a structure used for the storage of watercraft and associated materials which has one or more walls or sides."

Decision:

- Revise to match statute
 Revise as follows:
 Make no change

Ch. 600, Subdivision of Land

Title 10, Ch. 6, of the 1994 Code

- A. Section 600-5, General provisions.
- (1) In Subsection A(2) we have updated the reference to Chapter HY 33 of the Administrative Code to Chapter Trans 233. ✓
- (2) In Subsection A(5) we have updated "rules of the Division of Plumbing, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H 85" to "rules of the Wisconsin Department of Commerce contained in Ch. Comm 85, Wis. Adm. Code." ✓
- B. Section 600-10E refers to the Division of Environmental Protection of the Department of Natural Resources. The current structure of this Department does not include this Division. According to the Department's website, there are six divisions as follows: Division of Air and Waste; Division of Land; Division of Forestry; Division of Water; Division of Customer and Employee Services; and Division of Enforcement and Science.

Decision:

- Delete reference to the Division of Environmental Protection
 Revise as follows:
 Make no change
- C. Wording appears to be missing in the last sentence of § 600-12A(2). This sentence typically includes the following underlined wording: "The Village of Belleville determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control." We will add the underlined wording. ✓

D. In § 600-13B(3) is the reference to "renewable subdivisions" correct?

Decision:

- Revise as follows: *delete "renewable"*
 Make no change

E. Section 600-14B includes an incorrect cross-reference: "The Plan Commission shall refer the preliminary plat or development plan to the Village Engineer, the Parks Committee, and all appropriate committees for comments and recommendations prior to making a recommendation to the Village Board (see Section 10-3-50)." There was no Section 10-3-50 in the old Village Code. We were unable to determine the correct reference.

Decision:

- Delete "(see Section 10-3-50)"
 Revise as follows:

F. Section 600-15 indicates that the final plat must be filed within 24 months of approval of the preliminary plat. In the statutes this time frame was changed to 36 months by 2009 Act 376. See § 236.11(1)(b), Wis. Stats., which provide in part as follows: "If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat."

Decision:

- Change 24 months to 36 months
 Revise as follows:
 Make no change

G. Section 600-16, Certified survey map procedure.

- (1) This section requires the Plan Commission to act on an application for approval of a certified survey map within 60 days. Section 236.34(1)(f), Wis. Stats., prescribes a time frame of 90 days: "Within 90 days of submitting a certified survey map for approval, the approving authority, or its agent authorized to approve certified survey maps, shall take action to approve, approve conditionally, or reject the certified

survey map and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider."

Decision:

- Change 60 days to 90 days
- Revise as follows:
- Make no change

- (2) This section requires the certified survey map to be recorded within 30 days of approval. Section 236.34(2), Wis. Stats., requires the certified survey map to be offered for record "within 6 months after the date of the last approval of the map and within 24 months after the first approval of the map."

Decision:

- Revise to match statute
- Revise as follows:
- Make no change

- (3) Should "certified survey plat" in the second-last sentence be changed to "certified survey map" for consistency with the rest of this chapter?

Decision:

- Change "plat" to "map" as indicated
- Revise as follows:
- Make no change

- H. Section 600-23F provides as follows: "Pavement widths for the various street types shall be established by the Village Engineer, approved by the Village Board, and be shown on Table 1 of this chapter." Section 600-30C(4) also references Table 1. The copy we received for this chapter did not include a table designated "Table 1."

Decision:

- Delete references to Table 1
- Add Table 1; see copy enclosed
- Other:

- I. In § 600-26B is the reference to "lake orientation" correct? This wording usually reads "disadvantages of topography and orientation."

Decision:

- Delete "lake" before "orientation"
 Revise as follows:
 Make no change

- J. Section 600-30B(7) and (8) begin with the same wording; the inclusion of this wording in Subsection B(8) appears to be incorrect:

B(7): Street lamps. The subdivider shall install street lamps along all streets proposed to be dedicated of a design comparable with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board.

B(8): Street signs. The subdivider shall install street lamps along all streets proposed to be dedicated, a street sign of a design specified by the Village Engineer.

Decision:

- Revise Subsection B(8) to read "The subdivider shall install, at the intersection of all streets proposed to be dedicated, a street sign of a design as specified by the Village Engineer"
 Revise as follows:
 Make no change

- K. Section 600-37C refers to "the 10% payment required by § 600-35." No such requirement is stated in § 600-35. Subsection A of that section was amended in 2004.

Decision:

- Delete the last sentence of § 600-37C
 Revise as follows:
 Make no change

Ch. 615, Zoning

Title 10, Ch. 1, of the 1994 Code

- A. Section 615-6B provides as follows: "All uses allowed in Commercial and Industrial Districts are cross-referenced with the Standard Industrial Classification. The SIC number is shown in []." There is no other mention in this chapter of SIC numbers. Table 2, Permitted and Conditional Uses: Nonresidential Districts, now included at the end of the chapter, refers to the North American Industry Classification System (NAICS).

Decision:

Delete § 615-6B

Revise as follows:

Make no change

Substitute:
~~insert~~ "N-A-I-C-S ~~(TABLES)~~"
and
"NAICS" for "SIC"
for Stay- Incl-Cl.

- B. There are references in this chapter to Figures 1, 2, 3, 4 and 5. However, no such figures are actually included in chapter. See for example the definitions of "basement or cellar," "building, height of," "lot," "lot, reversed corner," "lot, through," "yard, front," "yard, rear" and "yard, side" in § 615-8.

Decision:

Delete references to these figures

Add figures; see copy enclosed

Add footnotes that the figures are on file with the Zoning Administrator

- C. Section 615-8, Definitions.

- (1) "Alley" is defined to mean a way not more than 24 feet wide. The Village's Subdivision Regulations require alleys to be a minimum of 24 feet wide. See Chapter 600, § 600-22A(9), which provides in part that "When required, alleys shall not be less than 24 feet wide and shall be continuous through blocks." Section 600-23A also requires alleys to have a minimum right-of-way width of 24 feet.

Decision:

Revise definition of "alley" to change "not more than 24 feet wide" to "a minimum of 24 feet wide"

Revise as follows:

Make no change

- (2) "Business" is defined as follows: "Includes the commercial, limited industrial and general industrial uses and districts as herein defined." The terms "limited industrial" and "general industrial" are not used anywhere else in this chapter. Section 615-13 establishes a single Industrial District (I) and three business districts (B-G, B-H and B-P).

Decision:

- Revise to read "Includes the business and industrial uses and districts as herein defined."
 Revise as follows:
 Make no change

- (3) The term "canopy" is defined twice in this section, as "canopy" and then as "marquee or canopy." Note that the term "marquee" is also defined in § 615-42. Perhaps the definition of "marquee or canopy" could be replaced with the following: "MARQUEE -- See definition at § 615-42."

Decision:

- Revise as indicated
 Revise as follows:
 Make no change

- (4) In the definition of "community living arrangement" the reference to "group foster homes for children under § 48.02(7m)" is incorrect. Section 48.02 of the statutes does not contain a Subsection (7m). Subsection (6) defines "foster home" and Subsection (7) defines "group home." The statutes now provide separate definitions of "community living arrangements for adults" and "community living arrangements for children"; see §§ 46.03(22) and 48.743(1), respectively.

Decision:

- Revise to read "foster homes and group homes for children under § 48.02(6) and (7), Wis. Stats."
 Revise as follows:

- (5) The Village might want to have the definition of "family" reviewed by the Village Attorney. Recent case law finds that the right of a municipality to regulate the number of unrelated persons living together is restricted. Because defining a "family" of unrelated individuals is a factual decision, a municipality desiring to limit the number of unrelated individuals in its definition must do so in a way that does not exclude unrelated individuals who function as the equivalent of a traditional family despite exceeding the limit. Some municipalities provide for discretionary review of

groups of unrelated individuals greater than a specified number to ensure that they are the functional equivalent of a traditional family. This review is accomplished by providing criteria to determine when a group functions as the equivalent of a traditional family. Following are sample definitions:

FAMILY — One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, or a number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.

FAMILY — One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.



FAMILY — One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

1. The group shares the entire dwelling unit.
2. The group lives and cooks together as a single housekeeping unit.
3. The group shares expenses for food, rent, utilities or other household expenses.
4. The group is permanent and stable and not transient or temporary in nature.
5. Any other factor reasonably related to whether the group is the functional equivalent of a family.

Decision:

- Use sample definition marked above
- Revise as follows:
- Make no change

- (6) The term "multiple dwelling" is defined but not used in this chapter, except in the definition of "apartment house." All other references are to "multifamily dwellings."

Decision:

- Change "multiple dwelling" to "multifamily dwelling"
 Change "multifamily dwelling" to "multiple dwelling"
 Make no change

- (7) The Village might want to review the definitions of "manufactured home" and "mobile home" in this section against the current definitions provided in the Wisconsin Statutes (§ 101.91), which are as follows:

(2) "Manufactured home" means any of the following:

(am) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

(10) "Mobile home" means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Decision:

- Revise definitions to match § 101.91(2) and (10)
 Revise as follows:
 Make no change

- (8) Should the definition of "signs" be deleted in light of the definition of "sign," which refers to the definition of "sign" in § 615-42?

Decision:

- Delete "signs" definition
- Revise as follows:
- Make no change

- (9) The term "trailer park" is defined but never used in this chapter. Could this definition be deleted? If this definition is deleted the definition of "house trailer" could also be deleted, as that term does not appear anywhere else in this chapter.

Decision:

- Delete definitions of "house trailer" and "trailer park"
- Revise as follows:
- Make no change

- D. In § 615-13 we have revised "17 zoning districts" to "18 zoning districts" to account for the addition of the Planned Unit Development District by Ordinance No. 2009-07-01. We recommend deleting the number so that this wording simply reads "the Village is hereby divided into the following zoning districts."

Decision:

- Revise to "the following zoning districts" as suggested
- Make no change

- E. The R-M District is listed as the "Multifamily Residential District" in § 615-13 and the "Multiple-Family District" in § 615 15E. The term "multiple-family" is not used anywhere in this chapter except in § 615-15E and could be revised to "multifamily" for consistency with the rest of this chapter.

Decision:

- Change "multiple-family" to "multifamily"
- Change "multifamily" to "multiple-family"
- Make no change

- F. Section 615-13 does not specifically provide for an "agricultural district." General farming is allowed in the R-D Rural Development District. Accordingly, should references

elsewhere in this chapter to "agricultural districts" be changed to refer to "rural development districts"? See for example § 615-44B.

Decision:

- Change "agricultural district" to "rural development district"
- Revise as follows:
- Make no change

G. In § 615-17, Planned Unit Development District, the word "not" appears to be missing in Subsection E(6)(f): "The population density of the development will have an adverse effect upon the community's capacity to provide needed school or municipal service facilities." We will revise "will have an adverse effect" to "will not have an adverse effect."

H. Section 615-37, Parking requirements.

- (1) Subsection C(1) provides as follows: "Location to be on the same lot as the principal use or not over 400 feet from the principal use." We question whether this subsection could be deleted in light of Subsection J(2) which provides as follows: "Off-lot parking spaces for residential uses shall be within 400 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 300 feet of the entrance of the establishment."

Decision:

- Delete Subsection C(1)
- Revise as follows:
- Make no change

(2) In Subsection F, Number of parking stalls, should "mobile homes" be changed to "manufactured homes"? Outside of § 615-8, Definitions, the term "mobile home" is not used in this chapter.

Decision:

- Change "mobile homes" to "manufactured homes"
- Make no change

- (3) Also in Subsection F, in the column "Minimum Parking Required," some entries use the term "space" while others use the word "stall." We recommend making this terminology consistent.

Decision:

- Change "stall" to "space"
- Change "space" to "stall"
- Retain both terms

- (4) There are two different entries in Subsection F for "repair shops, retail and service stores":

Restaurants, bars, places of entertainment, repair shops, retail and service stores: 1 stall for each 100 square feet of floor area

Repair shops, retail and service stores: 1 space for each 200 square feet of net floor space

Decision:

- Delete "repair shops, retail and service stores" after "restaurants, bars, places of entertainment"
- Delete second entry ("repair shops, retail and service stores")
- Other:

- (5) The entry for "motor vehicle sales (new and used)" in Subsection F includes the following: "(This requirement does not include service garages - see above.)" There is no entry for "service garage" in this table. We will revise "service garages - see above" to "service stations - see below." ✓

I. Article VII, Signs, Canopies, Awnings and Billboards.

- (1) In the definition of "electronic message unit sign" in § 615-42 the wording "information concerning civic, charitable" is incomplete and does not make sense.

Decision:

- Revise to read "information concerning civic or charitable organizations"
- Revise to read "information concerning civic or charitable events"
- Revise as follows:

- (2) Section 615-44B(10) establishes the following requirements for political signs in residential districts: "Political signs may be posted 60 days before an election and must be removed with 10 days after said election. Said sign may be a maximum of eight square feet." Section 12.04, Communication of political messages, Wis. Stats., provides that "no county or municipality may regulate the size, shape, placement or content of any sign containing a political message placed upon residential property during an election campaign period." The statute includes a definition of "election campaign period" and provides for certain circumstances where local regulation is authorized.

Decision:

- See revisions on enclosed copy
 Make no change

- (3) "Wall sign" is defined in § 615-42 as follows: "Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than 16 inches from such wall." Section 615-45A(1) then provides as follows: "Wall signs placed against the exterior walls of buildings shall not extend more than six inches out from a building's wall surface." Is this correct?

Decision:

- Revise as follows: *20*
 Make no change

- (4) Section 615-44B(3) provides that "Nameplate signs not to exceed eight square feet located on the premises" in residential districts do not require a sign permit. Section 615-44B(9) also authorizes the following: "An approved professional sign shall be a sign not exceeding eight square feet in area, stating only the name and business or profession of the home occupant or the character or the use of the premises on which the sign is maintained." However, § 615-46A limits nameplate signs in residential districts to three square feet: "There shall be not more than one nameplate, not exceeding three square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation."

Decision:

- Change "three square feet" to "eight square feet"
 Change "eight square feet" to "three square feet"
 Make no change

Village of Belleville, WI

- (5) In § 615-53, Nonconforming signs, Subsection B(1)(a) provides that if a nonconforming sign is damaged to the extent of 50% or more of its replacement value the reconstructed sign must comply with this chapter. Section 615-31, Existing nonconforming uses, was amended in 2010 to provide as follows and we question whether a similar amendment should be made to § 615-53 with respect to nonconforming signs:

When a nonconforming use or structure is damaged by fire, explosion, flood, violent wind, vandalism, snow, mold, infestation, or other calamity, it may be restored to its original size, location and use that it had immediately before the damage or destruction occurred. No limits are imposed on the costs of the repair, reconstruction, or improvement.

Decision:

- See revisions on enclosed copy
- Make no change

- J. Section 615-60, Odor, contains an outdated reference to Section NR 154.18 of the Administrative Code. Similar references in §§ 615-62 and 615-63 were replaced in 2010 with the wording "standards set by the Department of Natural Resources."

Decision:

- Revise to read "in standards set by the Department of Natural Resources"
- Update reference to § NR 429.03, Malodorous Emissions
- Revise as follows:

- K. Section 615-72, Fences.

- (1) Subsection F includes the following: "barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area." The words "or height" in this sentence seem incorrect.

Decision:

- Delete "or height"
- Revise as follows:
- Make no change

- (2) Subsection I provides as follows: "Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this section may be maintained, but any alteration, modification or improvement of said fence shall require

compliance with this section if such changes exceed 50%." It is not clear what "50%" refers to in this sentence. We also question whether this a change is needed in light of the 2010 amendment to Section 615-31, Existing nonconforming uses, which now provides as follows:

When a nonconforming use or structure is damaged by fire, explosion, flood, violent wind, vandalism, snow, mold, infestation, or other calamity, it may be restored to its original size, location and use that it had immediately before the damage or destruction occurred. No limits are imposed on the costs of the repair, reconstruction, or improvement.

Decision:

- See revisions on enclosed copy
- Make no change

- L. In § 615-74E is the reference to "water windmills" correct? Note that this subsection contains essentially the same wording as § 615-70K; however that subsection refers simply to "windmills."

Decision:

- Change "water windmills" to "windmills"
- Revise as follows:
- Make no change

- M. In §§ 615-79B and 615-84 should the references to the "supplementary floodland zoning map" be deleted? There are no other references in this chapter to this map and the Village now has a separate Floodplain Zoning Ordinance (see Chapter 580).

Decision:

- Delete references to "supplementary floodland zoning map"
- Make no change

- N. Table 2, Permitted and Conditional Uses: Nonresidential Districts. Please clarify whether Footnotes 2 and 3 at the end of the table should be deleted. They do not appear in the versions of this table in Ordinance Nos. 2010-06-08 and 2011-03-01.

Decision:

- Delete Footnotes 2 and 3
- Retain footnotes 2 and 3