

**TOWN OF CALEDONIA, WAUPACA COUNTY, WI  
CODE OF ORDINANCES**

Prepared by the Town of Caledonia Plan Commission with the assistance of the East Central Wisconsin Regional Planning Commission provided through its annual (2012) Technical Assistance Program.

**Project Authorization:**

Wisconsin State Statutes (2012) 66.0103 - Code of ordinances.

66.0103(1)(1) The governing body of a city, village, town or county may authorize the preparation of a code of some or all of its general ordinances. The code may be enacted by an ordinance that incorporates the code by reference. A copy of the code shall be available for public inspection not less than 2 weeks before it is enacted. After the code is enacted, a copy shall be maintained and available for public inspection in the office of the city, village, town or county clerk.

(2) Publication of a code enacted under sub. (1), in book or pamphlet form, meets the publication requirements of ss. 59.14, 60.80, 61.50 (1) and 62.11 (4) (a). History: 1999 a. 150.

**Source of Copies:**

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**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE TOWN OF CALEDONIA, WISCONSIN AND REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE TOWN OF CALEDONIA DEALING WITH SUBJECTS EMBRACED IN TOWN OF CALEDONIA CODE OF ORDINANCES**

WHEREAS, the present general and permanent ordinances of the Town of Caledonia are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Wisconsin empower and authorize the Town of Caledonia to prepare and publish a Code of Ordinances in book form; and

WHEREAS, the Town Board of the Town of Caledonia has authorized a general compilation, revision and codification of the ordinances of the Town of Caledonia of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, the Town of Caledonia Code of Ordinances as prepared in book form have been on file and open for public inspection in the Office of the Town Clerk, Town of Caledonia, for a period of at least two weeks prior to \_\_\_\_\_, the date scheduled for Town Board approval.

**THE TOWN BOARD OF THE TOWN OF CALEDONIA, WAUPACA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:**

Section 1. The general ordinances of the Town of Caledonia as revised, amended, restated, codified, and compiled in book form by the East Central Wisconsin Regional Planning Commission, are adopted as of \_\_\_\_\_ and shall constitute the "Code of Ordinances of the Town of Caledonia, Wisconsin."

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles and subchapters as noted in the attached draft document and Table of Contents, herein considered to be part of this ordinance.

Section 3. All prior ordinances pertaining to the subjects treated in the Town of Caledonia Code of Ordinances shall be deemed repealed from and after \_\_\_\_\_, the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained or covered by the Code.

Section 4. The Clerk of the Town of Caledonia is hereby authorized and ordered to immediately and permanently file a copy of the Town of Caledonia Code of Ordinances in the Office of the Town Clerk and shall make it, or a copy of it, available for public review upon request.

Section 5. The Town of Caledonia Code of Ordinances shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Submitted by: Katie Shaw, Town Clerk.

Date and Vote taken: \_\_\_\_\_; \_\_\_\_\_ Yes; \_\_\_\_\_ No

Town Chair Signature, if approved:

Paula Pagel, Chair – Town of Caledonia

ATTEST:

(State of Wisconsin, County of Waupaca )

I, Town Clerk for the Town of Caledonia, do hereby certify that the above ordinance is a true and

correct copy of Ordinance # \_\_\_\_\_ duly adopted by the Town Board of the Town of Caledonia at their regular meeting held on \_\_\_\_\_.

Dated this day of , \_\_\_\_\_.

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Katie Shaw, Clerk – Town of Caledonia

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TITLE I: GENERAL PROVISIONS

1.1 General Provisions (RESERVED)

## TITLE II: ADMINISTRATION

## 2.1 Town Board & Officials



## **EXTENSION OF TOWN OFFICER TERMS IN RESPONSE TO ELECTION LAW CHANGES**

WHEREAS, the term of elected town officers (other than elected assessors) have previously begun on the 2nd Tuesday in April and;

WHEREAS, town officers (other than assessors) elected in April 2012 and thereafter will now have their terms of office commence on the 3rd Tuesday in April due to recent state election law changes, and;

WHEREAS, this law change results in a week long "gap" between the end of the current terms of office for those town officers elected in either 2010 or 2011 and the start of the new terms of office for those officers elected in April 2012 or April 2013, and;

WHEREAS, 2011 Wis. Act 115 provides that a town board may enact an ordinance providing that the terms of any elective officers in the town who were elected or appointed to serve for terms expiring on the 2nd Tuesday in April 2012 or 2013 may be extended to the 3rd Tuesday in April in the same year in which the terms would otherwise have expired.

Adopted June 18, 2012.

## 2.3 Departments, Boards and Commissions

## **CREATION OF PLANNING COMMISSION**

SECTION 1 Chapter 5 of the Town of Caledonia Municipal Code shall be created to read as follows:

### 5.01 Title

This ordinance is entitled the "Town of Caledonia Planning Commission Ordinance."

### 5.02 Purpose

The purpose of this ordinance is to establish a Town of Caledonia Planning Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

### 5.03 Authority; Establishment

The Town Board of the Town of Caledonia has been authorized by a Town meeting under sec. 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal \ census, sec. 990.01 (29), . Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Planning Commission under sees. 60.62(4), 61.35 and 62.23, Wis. Stats. The Planning Commission shall be considered the "Town Planning Agency" under sees. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

### 5.04 Membership

The Planning Commission consists of five (5) citizen members who are residents of the Town, and who shall be persons of recognized experience and qualifications.

### 5.05 Appointments

The Town Board Chairperson shall appoint the members of the Planning Commission and designate a Planning Commission Chairperson during the month of January to fill any expiring term. All appointments are subject to the approval of the Town Board. Appointed Planning Commissioners shall take and file the oath of office within five (5) days of notice of appointment, as provided under sees. 19.01 and 60.31, Wis. Stats.

### 5.06 Terms of Office

The term of office for the Planning Commission Chairperson and each Commission member shall be for a period of 3 years, ending on January 30th, or until a successor is appointed and qualified, except:

(1) Initial Terms. Members initially appointed to the Planning Commission shall be appointed for staggered terms, (2) persons for a term that expires in one (1) year and (2) persons for a term that expires in (2) years and (1) person for a term that expires in (3) years.

### 5.07 Vacancies

A person who is appointed to fill a vacancy on the Planning Commission shall serve for the remainder of the term.

### 5.08 Compensation; Expenses

The Town Board of the Town of Caledonia shall set a per diem allowance by resolution as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

#### 5.09 Experts & Staff

The Planning Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority payments under any contract with an expert.

#### 5.10 Rules; Records

The Planning Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under sees. 19.21-19.39, Wis. Stats.

#### 5.11 Chairperson & Officers

(1) Chairperson. The Planning Commission Chairperson shall be appointed and serve a term as provided in sections 5.05 and 5.06 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules: (a) provide leadership to the Commission; (b) set Commission meeting and hearing dates; (c) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee; (d) preside at Commission meetings and hearings; and (e) ensure that the laws are followed.

(2) Vice Chairperson. The Planning Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) Secretary. The Planning Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other

#### 5.12 Commission Members as Local Public Officials

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

#### 5.13 General & Miscellaneous Powers

The Planning Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

(1) Necessary to enable it to perform its functions and promote Town planning.

(2) To make reports and recommendations relating to the planning and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.

(3) To recommend to the Town Board programs for public improvements and the financing of such improvements.

(4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work for itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

#### 5.14 Town Comprehensive Planning: General Authority & Responsibilities

The Planning Commission shall have the authority to make and adopt a comprehensive plan under sees. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats. The term "make" the plan means that the Planning Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Planning Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

#### 5.15 Procedure for . Planning Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

The Planning Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats, are met, shall proceed as follows.

(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Planning Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Planning Commission, under sec. 66.1001(4) (b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Planning Commission. The vote shall be recorded in the minutes of the Planning Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that: (a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan; (b) the plan contains the nine (9) specified elements and meets the requirements of those elements; (c) the maps and other descriptive materials that relate to the plan; (d) the plan has been adopted by a majority vote of the entire Planning Commission, which the or secretary is directed to record in the minutes; and (e) the Planning Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Planning Commission for recommendation to the Town Board shall be sent to: (a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district. (b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town. (c) The Department of Administration. (e) The regional planning commission in which the Town is located. (f) The public library that serves the area in which the Town is located.

#### 5.16 Planning Implementation & Administration

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Planning Commission shall prepare the following:

(a) Zoning. A proposed Town zoning ordinance under village powers, sees. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and storm water management zoning

ordinance under sec. 60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority. (b) Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats. (c) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats. (d) Other. Any other ordinance specified by the Town Board.

(2) Ordinance amendment. The Planning Commission, on its own motion, or at the direction of the Town Board by its resolution or motion; may prepare proposed amendments to the Town's ordinances relating to comprehensive plan and land use.

(3) Non-regulatory programs. The Planning Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(4) Program administration. The Planning Commission shall, pursuant to Town ordinances, have the following powers. (a) Zoning conditional use permits. The zoning administrator shall refer applications for conditional use permits under Town zoning to the Planning Commission for review and recommendation to the Town Board. (b) Subdivision review. Proposed plats under ch. 236, Wis. Stats, proposed subdivisions or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats. shall be referred to the Planning Commission for review and recommendation to the Town Board. (c) Other. All other planning issues may be referred to the Planning Commission for review and recommendation to the Town Board.

(5) Consistency. Any ordinance, amendment or program proposed by the Planning Commission, and any Planning Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under sees. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2010. If any such Planning Commission action would not be consistent with the comprehensive plan, the Planning Commission shall use this as information to consider in updating the comprehensive plan.

#### 5.17 Referrals to the Planning Commission

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following may be referred to the Planning Commission for report: (a) The location and architectural design of any public building. (b) The location of any statue or other memorial. (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any (i) street, alley or other public way; (ii) park or playground; (iii) airport; (iv) area for parking vehicles; or (v) other memorial or public grounds. (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility. (e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats. (f) The location, character and extent or acquisition, leasing or sale of lands for (i) public or semi-public housing; (ii) slum clearance; (iii) relief of congestion; or (iv) vacation camps for children. (g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Planning Commission; the Town master planning or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.

(2) Required and recommended referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters are encouraged to be referred to the Planning Commission for report: (a) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve . general county zoning so that it takes effect in the town, or to remain under general county zoning. (b) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission. (c) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance

under sec. 62.23(7a), Wis. Stats. (d) A proposed boundary change pursuant to an approved cooperative Planning agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority. (e) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative planning under sec. 66.0307(7m), Wis. Stats. (f) Any proposed plan, element of a plan or amendment to such a plan or element developed by the regional planning commission and sent to the Town for review or adoption. (g) Any proposed contract, for the provision of information or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization. (h) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats. (i) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats. (j) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment. (k) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Planning Commission.

(4) Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Planning Commission for report: (a) A proposed county development plan or comprehensive plan proposed element of such a plan, or proposed amendment to such plan. (b) A proposed county zoning ordinance or amendment. (c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment. (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body. (e) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats. (f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats. (g) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them. (h) Any other matter deemed advisable for referral to the Planning Commission for report.

(5) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Planning Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Adopted 16<sup>th</sup> January, 2006.

## **RESOLUTION-TOWN PARK/RECREATION COMMITTEE**

WHEREAS, the Town of Caledonia has dedicated Town citizens, who operate a Town Park/Recreation Committee, to and for the benefit of the Town; and,

WHEREAS , the Town desires to make this a Standing Committee of the Town, so that the Town citizens serving on the Committee continue to carry out their efforts to and for the benefit of the Town.

NOW THEREFORE, be it resolved, that the Town Board of Supervisors, Town of Caledonia as follows:

1. There is hereby created the Town of Caledonia "Park/Recreation Standing Committee" (hereinafter called the "Standing Committee").
2. Hereinafter and until further action by the Town and the Standing Committee, the Members of the Standing Committee are as follows :  
Laurie Fischer , Chuck Dimler, Sue Gruetzmacher , Judy Danke , Dennis Moeller, Elaine Flunker , Julie Schuelke , Gene Kostrzak, Russ Danke
3. Until further agreement of the Standing Committee and the Town, Laurie Fischer shall serve as Chairman of the Standing Committee.
4. The Standing Committee shall have the authority to enact By-Laws, which shall be approved by the Town, which By-Laws shall pertain to how the Standing Committee shall carry out its functions and endeavors to and for the benefit of the Town of Caledonia.
5. The Standing Committee is hereby authorized to establish a checking account and/or savings account and/or money market account, in the name of the Standing Committee, and to use the Town's Federal Identification Number on such account. That any interest earned, on the monies earmarked for the Standing Committee, shall stay with the Standing Committee to be used for the Standing Committee's purposes where such purposes further and benefit the Town. On all checks/drafts issued from the checking account and/or savings account and/or money market account, there shall have thereon, as signatory, in addition to a Standing Committee Member, either the Town Clerk or Town Treasurer.
6. It is the intention of the Town of Caledonia and the Standing Committee, that the Standing Committee shall be an entity, created under the authority of the Town, to carry out the Town business/purposes/endeavors relating to parks, recreation and other activities that benefit the Town of Caledonia.
7. The Standing Committee shall within its By-Laws set forth how it intends to go about the nomination and election of individuals to serve on the Standing Committee; and all person nominated by the Standing Committee shall be approved by the Town Board.
8. Annually, at the time of the annual meeting, the Standing Committee shall submit to the Town Board of Supervisors a report showing the revenues earned by the Standing Committee during the year, and the expenses paid by the Standing Committee to and for the benefit of the Town of Caledonia.
9. The Town Board of Supervisors shall not, unless approved at the annual meeting, or at a special meeting of Town residents duly called and held, appropriate back to the Town, and to the Town funds, any of the funds/monies/revenues generated by the Standing Committee.



10. This Resolution shall stay in full force and effect, unless modified, amended or revoked by majority vote, hereinafter, of the Town Board of Supervisors.

11 . Further resolved, that at the annual meeting, year 2005, there shall be presented to the Town residents, at such annual meeting, a Resolution/Ordinance, continuing the Standing Committee and providing that the Standing Committee cannot, in the future, be dissolved nor further regulated (except at set forth above) by the Town Board unless the Town Board has the authority of the Town residents/electors, at a subsequent annual meeting or at a subsequent special meeting of Town residents/electors, duly called and held.

12. Further resolved, that under no circumstances, of any kind or nature, is the Standing Committee itself, to use the Standing Committee or its revenues, to work on, participate in or influence election matters.

Adopted 17<sup>th</sup> January 2005.

**AUTHORIZE PER-DIEM RATE FOR PLANNING COMMISSION AND  
AUTHORIZE EXPENSE REIMBURSEMENT**

WHEREAS, on January 17, 2006 the Town of Caledonia Town Board did authorized by Ordinance the formation of the Town of Caledonia Planning Commission and

WHEREAS, the Planning Commission Ordinance, #508 states that the Caledonia Town Board shall set a per-diem allowance by resolution as allowed under sec 66.0501(2), Wis Stats. And in addition the Town Board may reimburse reasonable costs and expenses, under sec. 60.321, Wis Stats

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF CALEDONIA to set a per-diem compensation tor Planning Commissioners at the rate of \$50.00 per meeting, tor regular and special meetings attended to conduct the business or attain training in matters of the Town of Caledonia Planning Commission.

BE IT FURTHER RESOLVED by the TOWN BOARD OF CALEDONIA to approve the reasonable reimbursement of expenses incurred by the Town of Caledonia Planning Commissioners. Reasonable shall include those expenses incurred tor mileage, meals, lodging, parking tees, dues and subscriptions, transportation expense and registration or entry fees associated with Events necessary to conduct the business of the Planning Commission.

Adopted 2<sup>nd</sup> June 2006.

## 2.4 Town Employees / Personnel Policies

**TOWN OF CALEDONIA**

**ORDINANCE 2016-12-01**

**TOWN CLERK and TOWN TREASURER APPOINTMENTS**

The Town Board of the Town of Caledonia, Waupaca County, Wisconsin, does hereby ordain as follows:

That, pursuant to Wis. Stat. 60.30(1e)(a), the office of the town clerk and town treasurer shall be filled by appointment of a majority of the members elect of the town board.

The term of office for the appointed position shall be set by the town board, but may not exceed three (3) years per Wis. Stat. 60.30(1e)(c). The town board may re-appoint the clerk and the treasurer for additional terms. However, removal by the town board of the appointed clerk and/or treasurer during a given term of office may only be for "cause" as defined under Wis. Stats. 17.001, and, required by Wis. Stats. 60.30(1e)(f).

This ordinance is subject to approval by the town electors in a referendum, which is hereby called by the town board to be held on April 4, 2017. The referendum questions shall be:

*"Shall the person holding the office of town clerk in the Town of Caledonia, Waupaca County, Wisconsin, be appointed by the town board?"*

*"Shall the person holding the office of town treasurer in the Town of Caledonia, Waupaca County, Wisconsin, be appointed by the town board?"*

The salary of the appointed position of town clerk and/or town treasurer shall be set by the town board and may not be reduced during the appointment term of office.

This ordinance shall be in full force and effective from and after the date of its town board passage, notice after passage per Wis. Stats. 60.80, and also after its referendum approval by the town electors in the spring election held on April 4, 2017 and as required by Wis. Stats. 60.30(1e)(b).

ADOPTED THIS 19<sup>th</sup> DAY OF DECEMBER, 2016.

BY TOWN OF CALEDONIA, WAUPACA COUNTY, WISCONSIN TOWN BOARD

## **A RESOLUTION TO ADOPT EMPLOYEE GRIEVANCE PROCEDURE**

Whereas s. 66.0509(1m), Wis. Stat. requires local governmental units to adopt an employee grievance procedure;

Whereas the Town of Caledonia, Waupaca County, Wisconsin has thoughtfully considered this requirement and prepared an employee grievance procedure that contains the required elements;

Now, therefore be it resolved, that the town board of the Town of Caledonia, Waupaca County, Wisconsin adopts the attached employee grievance procedure pursuant to s. 66.0509(1m), Wis. Stat.

Adopted September 19, 2011.

**TOWN OF CALEDONIA – WAUPACA COUNTY**

**EMPLOYEE GRIEVANCE FORM**

Employee Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Employee Contact Information: (provide phone numbers, mailing address, etc.)

\_\_\_\_\_

Grievance Level (check one): (Step 1) Meeting with Immediate Supervisor

(Step 2) Request for Impartial Hearing

(Step 3) Appeal to Town Board

-----  
**This section to be completed for Step 1 only:** Describe the grievance: state all relevant facts, including time, place of incident being grieved, names of persons involved, steps taken to informally resolve the grievance, etc. Attach additional sheets if needed.

## 2.5 Records Management & Open Records

## **DESTRUCTION OF OBSOLETE PUBLIC RECORDS**

### **SECTION I-TITLE AND PURPOSE**

This ordinance is entitled the Town of Caledonia Destruction of Obsolete Records Ordinance. The purpose of this ordinance is to provide the town officers of the Town of Caledonia with the authority to destroy certain obsolete public records in possession of the Town of Caledonia.

### **SECTION II -AUTHORITY**

The Town Board of the Town of Caledonia, Waupaca County, Wisconsin, has the specific authority under s. 19.21\_B\_1, Wis. stats., to manage and destroy obsolete public records in the possession of the Town of Caledonia.

### **SECTION III -ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, authorizes the powers and establishes the duties of the town officers of the Town of Caledonia to manage and destroy obsolete public records in the possession of the Town of Caledonia.

### **SECTION IV-FINANCIAL RECORDS**

The following Town of Caledonia town officers, pursuant to s. 19.21 (5), Wis. stats., may destroy the financial records, except utility records, of which they are the legal custodians and that are considered obsolete as listed in Appendix A.

### **SECTION VI -OTHER RECORDS**

The Town of Caledonia town officers, pursuant to s. 19.21 (5), Wis. stats., may destroy the records described in Appendix A, of which they are the legal custodians and that are considered obsolete.

### **SECTION VII-HISTORICAL SOCIETY NOTIFICATION**

Prior to the destruction of any public record described in Sections IV, V, or VI, at least 60 days' notice in writing shall be given to the State Historical Society of Wisconsin.

### **SECTION VIII -PENALTY PROVISIONS**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$\_\_ nor more than \$ plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

### **SECTION IX-SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

### **SECTION X-EFFECTIVE DATE, CONSTRUCTION**

This ordinance is effective on publication or posting. This ordinance shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative rules. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.



## DESTRUCTION OF OBSOLETE PUBLIC RECORDS

### APPENDIX A

AUTHORIZED OFFICER	RECORD	MINIMUM HOLDING PERIOD	AUTHORIZED OFFICER
CLERK	FINANCE	PURCHASE INVOICES	7 YRS AFTER AUDIT
CLERK	FINANCE	A/R INVOICES	7 YRS AFTER AUDIT
TREASURER	FINANCE	RECEIPTS	7 YRS AFTER AUDIT
TREASURER	FINANCE	RECEIPT JOURNAL	15 YRS
CLERK	FINANCE	CHECK REGISTER	15 YRS
CLERK	FINANCE	GENERAL JOURNAL	15 YRS
CLERK	FINANCE	GENERAL LEDGER	15 YRS
CLERK	FINANCE	TRIAL BALANCE	UNTIL AUDITED
CLERK	FINANCE	BANK RECONCILIATION	7YRS
CLERK	FINANCE	BANK STATEMENTS	7YRS
TREASURER	FINANCE	DEPOSIT TICKETS	1 YRAUDIT
TREASURER	FINANCE	BANK NOTICES	1 YR AFTER AUDIT
TREASURER	FINANCE	INVESTMENT RECORDS	7YRS
CLERK	PAYROLL	PAYROLL SUPPORT RECORDS	2 YRS AFTER AUDIT
CLERK	PAYROLL	W-4'S, WT -4'S	5 YRS AFTER SUPERSEDED
CLERK	PAYROLL	ENROLLMENT & WAIVER	2 YRS AFTER SUPERSEDED
CLERK	PAYROLL	EARNING RECORDS	5 YRS AFTER AUDIT
CLERK	PAYROLL	PAYROLL CHECK REGISTER	5 YRS AFTER AUDIT
CLERK	PAYROLL	WT-9, WT-7, 941E	5 YRS
CLERK	PURCHASING	SUCCESSFUL BIDS	7 YRS AFTER CONTRACT EXPIRES
CLERK	PURCHASING	UNSUCCESSFUL BIDS	1 YR AFTER AUDIT
CLERK	BUDGET & AUDIT	PROPERTY AUDIT	UNTIL SUPERSEDED
CLERK	BUDGET & AUDIT	BUDGET WORKSHEETS	3 YRS
CLERK	BUDGET & AUDIT	FINAL BUDGET	PERMANENT
CLERK	BUDGET & AUDIT	AUDIT REPORTS	PERMANENT
CLERK	BOARD OF REVIEW	OBJECTIONS/DOCUMENTATION	7 YRS AFTER FINAL ACTION
CLERK	BOR	MINUTE BOOK	7YRS
CLERK	BOR	PROCEEDINGS	7 YRS AFTER FINAL ACTION
CLERK	BOR	NOTICE OF DETERMINATION	7 YRS AFTER FINAL ACTION
CLERK	TAXES	P1-1508	3 YRS AFTER AUDIT
CLERK	TAXES	CERT OF APPORTIONMENT	3 YRS AFTER AUDIT
CLERK	TAXES	ST. SHARED AID NOTICES	6 YRS AFTER AUDIT
CLERK	TAXES	SL-202	5 YRS AFTER AUDIT
CLERK	TAXES	STATEMENT OF TAXES	PERMANENT
CLERK	TAXES	PC-503,504,506,201, 201A	5 YRS AFTER AUDIT
CLERK	TAXES	PERSONAL PROP. TAX ROLL	15 YRS
TREASURER	TAX COLLECTION	TAX RECEIPTS	15 YRS AFTER AUDIT
TREASURER	TAX COLLECTION	TAX SETTLEMENT RECEIPTS	5 YRS AFTER AUDIT
CLERK	PUBLIC WORKS	STRUCTURE PLANS FOR BLDGS, BRIDGES	LIFE OF STRUCTURE
CLERK	PUBLIC WORKS	ANNUAL REPORTS	PERMANENT
P/C SECRETARY	PUBLIC WORKS	RECORDS, MINUTES	PERMANENT
CLERK	PUBLIC WORKS	HOUSE # & ADDRESS	PERMANENT
CLERK	PUBLIC WORKS	ROAD DISCONTINUANCESS	ACTIVE REFERENCE LIFE

CLERK	PUBLIC WORKS	ROAD DEDICATIONS	ACTIVE REFERENCE LIFE
CLERK	PUBLIC WORKS	BUILDING PERMITS	3 YRS
CLERK	PUBLIC WORKS	STATE HWY AIDS RECORDS	7 YRS AFTER AUDIT
TREASURER	RECEIPTS	7 Yrs after audit	Treasurer
TREASURER	RECEIPT JOURNAL	15 Yrs	Treasurer
CLERK	CONTRACTS	MASTER PROJECT FILES	20 YRS
CLERK	CONTRACTS	BLUEPRINTS	UNTIL SUPERSEDED
CLERK	CONTRACTS	"AS-BUILT" TRACINGS	LIFE OF PROJECT
CLERK	STREETS & HIGHWAYS	MAINT. & REPAIR	25 YRS
CLERK	PARKS	MASTER PARK PLAN	PERMANENT
CLERK	PARKS	PLATS	PERMANENT
TREASURER	PARKS	RECEIPTS	7 YRS AFTER AUDIT
RENTAL OFFICER	PARKS	MASTER RESERVATION BOOK	2 YRS
CLERK	BLD PERMITS	APPLICATIONS & PERMITS	PERMANENT
CLERK	BLD PERMITS	INSPECTION REPORTS	PERMANENT
CLERK	BLD PERMITS	INSPECTION ADDRESS FILE	PERMANENT
CLERK	BLD PERMITS	CERTIFICATES OF OCCUPANCY	UNTIL SUPERSEDED
CLERK	BLD PERMITS	ST. APPROVED COMMERCIAL BLDG PLANS	4 YRS
TREASURER	BLD PERMITS	FEE RECEIPTS	7 YRS AFTER AUDIT
CLERK	LEGAL	ATTORNEY'S CASE FILE	1 YR AFTER CASE CLOSED
CLERK	QTR SECTION MAPS	COPIES	UNTIL SUPERSEDED
CLERK	ADMINISTRATION	MINUTE BOOK	PERMANENT
CLERK	ADMINISTRATION	AUDIO TAPES	1 YR
CLERK	ADMINISTRATION	ORDINANCES	PERMANENT
CLERK	ADMINISTRATION	RESOLUTIONS	PERMANENT
CLERK	ADMINISTRATION	PUBLIC AFFIDAVITS	3 YRS, IF IN ORDINANCE BOOK
CLERK	ADMINISTRATION	DEEDS	PERMANENT
CLERK	ADMINISTRATION	TITLE OPINIONS	PERMANENT
CLERK	ADMINISTRATION	ABSTRACTS, ETC	PERMANENT
CLERK	ADMINISTRATION	TITLE INSURANCE POLICIES	PERMANENT
CLERK	ADMINISTRATION	PLATS	PERMANENT
CLERK	ADMINISTRATION	EASEMENTS	PERMANENT
CLERK	ADMINISTRATION	LEASES	7 YRS AFTER TERM
CLERK	ADMINISTRATION	VAC/ALTOF PLAT	PERMANENT
CLERK	ADMINISTRATION	LIQUOR/BEER APPLICATIONS	4 YRS
CLERK	ADMINISTRATION	LIQUOR LICENSE COPIES	4 YRS
CLERK	ADMINISTRATION	OTHER APPLICATIONS	3 YRS
TREASURER	ADMINISTRATION	DOG LICENSE REPORTS	3 YRS
CLERK	ADMINISTRATION	FIDELITY BONDS	5 YRS AFTER EXPIRATION
CLERK	ADMINISTRATION	OATH OF OFFICE	5 YRS AFTER TERM EXPIRES
CLERK	ADMINISTRATION	LEGAL OPINIONS	PERMANENT
CLERK	ELECTIONS	REGISTRY LIST	90 DAYS AFTER NEXT ELECTION
CLERK	ELECTIONS	POLL LIST	90 DAYS AFTER NEXT ELECTION
CLERK	ELECTIONS	FEDERAL POLL LIST	22 MONTHS
CLERK	ELECTIONS	NOMINATION PAPERS	90 DAYS AFTER ELECTION
CLERK	ELECTIONS	CAMPAIGN FINANCE REPORTS	6YRS
CLERK	ELECTIONS	ELECTION NOTICE	1 YR
CLERK	ELECTIONS	CONTESTED ELECTION NOTICE	1 YR AFTER SETTLEMENT
CLERK	ELECTIONS	APPL. FOR ABS. BALLOTS LOCAL	90 DAYS

CLERK	ELECTIONS	APPL FOR ABS. BALLOTS-FED	22 MONTHS
CLERK	ELECTIONS	PAPER BALLOTS	90 DAYS AFTER ELECTION
CLERK	ELECTIONS	TALLY SHEETS	90 DAYS

## 2.6 Finance and Revenue; Taxation and Fees

**CODIFIED ORDINANCE 2:6.1 – 1**

**AN ORDINANCE RELATING TO THE CONFIDENTIALITY OF INFORMATION ABOUT  
INCOME AND EXPENSES REQUESTED BY THE ASSESSOR IN PROPERTY  
ASSESSMENT MATTERS IN THE TOWN OF CALEDONIA, WAUPACA COUNTY  
WISCONSIN**

**WHEREAS;** as part of the Budget Adjustment Act, 1997 Wisconsin Act 237, a number of significant changes regarding property tax assessment appeals and Board of Review procedures were enacted; and

**WHEREAS;** at Section 279(K) of 1997 Wisconsin Act 237, Section 70.47(7)(af) of the Wisconsin State Statutes was created, and

**WHEREAS;** Section 70.47(7)(af), Wisconsin Statutes requires that the municipality provide, by ordinance, for the confidentiality of information about income and expenses that is provided to the Assessor under Section 70.47(7)(af), Wisconsin Statutes, and shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of the court,

**NOW THEREFORE THE TOWN OF CALEDONIA TOWN BOARD DOES ORDAIN AS  
FOLLOWS:**

- (1) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor, shall be held by the Assessor on a confidentiality basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af) not subject to the right of inspection and copying under Section 19.35(1) of the Wisconsin State Statutes.
- (2) If any section or portion thereof of this ordinance shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose

terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

- (3) This ordinance shall take effect immediately upon passage and posting as provided by law

**ADOPTED THIS 19<sup>th</sup> day of June, 2017**

**CODIFIED ORDINANCE 2:6.1 – 2**

**AN ORDINANCE TO APPOINT ALTERNATE MEMBER(S) FOR BOARD OF REVIEW  
IN THE TOWN OF CALEDONIA, WAUPACA COUNTY WISCONSIN**

**WHEREAS;** Wisconsin State Statutes 70.47(6m) (c ) authorizes the appointment of alternate members to serve on the Board of Review when standing members are removed or unable to serve.

**NOW THEREFORE BE IT ORDERED BY THE TOWN OF CALEDONIA TOWN BOARD AS  
FOLLOWS:**

Pursuant to Wisconsin State Statutes 70.47 (6m)(c) and 70.46(1), the town board of the Town of Caledonia, Waupaca County, Wisconsin hereby provides for the appointment of alternate(s) to serve on the Town of Caledonia Board of Review in the event a standing board member of the board of review is removed or unable to serve for any reason.

Appointments of alternate member(s) to the Town of Caledonia Board of Review shall be proven electors of the Town of Caledonia, Waupaca County, Wisconsin. Alternate member(s) shall be named by formal action of the Town of Caledonia Board of Review standing members, specifically by a motion, a second to the motion and approval of the named alternate member (s) by the standing Town of Caledonia Board of Review, receiving a majority vote determined by a roll call vote of the standing Town of Caledonia Board of Review.

**ADOPTED THIS 19<sup>th</sup> day of June, 2017 by:**

## 2.7 Bond/Borrowing Resolutions



## 2.8 Town Policies

## **PROHIBIT DANGEROUS WEAPONS IN THE TOWN OF CALEDONIA**

WHEREAS, Wisconsin State Statutes authorize the CCW, concealed carry bill permitting people with permits to carry concealed weapons, and;

WHEREAS, municipalities can post signs to restrict CCW from the inside of municipal buildings (s.943.13(1m)(c));

THEREFORE, be it hereby ordained by the Town Board of the Town of Caledonia, Waupaca County, to prohibit dangerous weapons in the Town of Caledonia Community Center/Town Hall as follows:

1. No person shall be armed with a dangerous weapon in Town of Caledonia Community Center/Town Hall.

*This section, (1.), does not apply to peace officers or armed forces or military personnel who go armed in the line of duty or to any person authorized by the town board, chief of police of any city or municipality or the sheriff or any county personnel of the sheriff's department or any other person who is required, by position, to possess a firearm in any building.*

2. As set forth in Sec. 939.22(10), Wis. Stats. "Dangerous Weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon as defined in Sec. 941.295(4), Wis. Stats.; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

3. Any person who violates this ordinance may be issued a citation by a law enforcement officer within Waupaca County, and may be required to forfeit up to \$200 for a first violation and up to \$500 for the second and subsequent violations. In addition to any penalty forfeited, any person found to be in violation of this ordinance shall forfeit the weapon(s) involved.

Adopted July 16, 2012

## **CHECK DISBURSEMENT POLICY**

WHEREAS, the Town of Caledonia does not have a written check disbursement policy; and

WHEREAS, issuing checks is an integral part in the day to day business of the Town of Caledonia; and,

WHEREAS, all payables must be approved by the Town Board of Supervisors of the Town of Caledonia; and

WHEREAS, many times due to the timing of Town Board meetings, payment of certain bills may need to be made prior to the next Town Board Meeting; and

WHEREAS, many of these items are routine in nature, such as utility bills and payroll liabilities, which may be subject to penalties for late payment,

NOW THEREFORE BE IT RESOLVED by the Town Board of Supervisors of the Town of Caledonia, Waupaca, Wisconsin that the Town Clerk is authorized to issue checks as special processed checks only for the following items and only if it is not cost effective to process payments at the regular monthly meeting:

Tax Liabilities such as Settlements

Payroll Liabilities such as State/Federal taxes, FICA, Medicare Tax

Refunds for overpayments

Escrow Releases

Emergency Purchases

Utility Payments (electric, telephone, etc.)

BE IT FURTHER RESOLVED that any special process checks from this list must be included on the Bills List for approval by the Town Board at the next regular Town Board Meeting.

BE IT FURTHER RESOLVED THAT any reimbursements to members of the Town Board of Supervisors, Clerk, or Treasurer, or employee of the Town of Caledonia shall be issued only with a receipt of the expense being reimbursed and as a separate check with a specific purpose noted on the Bills List to enable the Town Board to know what payments are being approved.

ADOPTED this 19th day of March, 2007.

## **ORDINANCE TO ESTABLISH DIRECTIVES CONCERNING MONETARY**

### **DONATIONS MADE TO THE TOWN OF CALEDONIA**

**WHEREAS;** The Town of Caledonia Town Board has authorized a Community Enrichment Committee (CEC) to evaluate and recommend capital improvement development projects for the enrichment of the community, and.

**WHEREAS;** it has been determined that a major component of this committee is to secure funding for the proposed projects which shall include various donations by the general public, and,

**WHEREAS;** the CEC has requested that a policy be established by the Caledonia Town Board of Supervisors to dictate the handling procedures of any monetary donations received for the benefit of board approved projects,

**NOW THEREFORE BE IT ORDAINED** by the Caledonia Board of Supervisors to adopt directives for monetary donations as follows:

- Receipts will be given by the town for all monetary donations received
- A record of all donations will be kept in a journal by the town
- The Town Treasurer will record all monetary donations in a separate general ledger account
- The Town will keep a detailed record of each project's funding to include
  1. Which project the donation was made for
  2. How much each donor donated to the project
  3. Detail records of the costs allocated to the project
  4. Disbursement of any excess funds donated for the project
  5. Town will provide a report of all donations and disbursements at the Annual Meeting held in April
- All projects will be thoroughly evaluated by the CEC and cost estimates will be determined for each project
- Donations shall be used for current highest priority approved project unless the donor states that it is to be used only for another specific use
- If funds are collected in excess of project needs, those funds will be held in escrow for the next approved project

**ADOPTED THIS 17<sup>TH</sup> DAY OF AUGUST, 2015**

## 2.9 Elections

## **ESTABLISH WARDS IN THE TOWN OF CALEDONIA**

WHEREAS, at a regular meeting of the Caledonia Town Board, Waupaca county, Wisconsin, held on the 23 day of July 2001, a quorum being present and majority of the Board voting, therefore, said Board resolve as follows.

RESOLVED, by the Town Board that wards 1 and 2 shall be established as followed.

Ward 1: South of railroad track.

Ward 2: North of railroad track.

BE IT FURTHER RESESOLVED, that the wards be combined and shall use common ballot boxes and ballots, for all Elections. Separate ballot boxes and ballots shall be maintained for each separate ballot required under Section 5.58 to 5.64 of the State Statutes.

ADOPTED ON 23<sup>rd</sup> day of July 2001.

## **CHANGING NUMBER OF ELECTION OFFICIALS**

Section 7.32, Wis. stats., allows a municipal governing body to reduce the required number of election officials at a polling place from 7 to no less than 3, and the town board has determined that it would be advantageous to the town to have only as many election officials on duty as are needed for a given election.

Therefore, the Town Board of the Town of Caledonia, Waupaca County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and declares as follows:

There shall be a minimum of 3 election officials on duty at every election. At the discretion of the town clerk, the requisite number of election officials may be increased for any election. However, the number of election officials working at a given election shall always be an odd number.

Adopted 3<sup>rd</sup> December 2009.

## 2.10 Franchise Agreements



**AUTHORIZATION OF WISCONSIN GAS COMPANY, ITS SUCCESSORS AND ASSIGNS,  
TO CONSTRUCT, MAINTAIN AND OPERATE A GAS DISTRIBUTION SYSTEM AND TO  
LAY PIPES IN THE STREETS, ALLEYS, LANES, ROADS, HIGHWAYS, BRIDGES, PARKS  
AND PUBLIC PLACES IN THE TOWN OF CALEDONIA, WAUPACA COUNTY,  
WISCONSIN**

The Town Board of the Caledonia, Waupaca County, Wisconsin, does hereby ordain as follows:

**SECTION 1**

The Town of Caledonia, Waupaca County, Wisconsin, does hereby grant to Wisconsin Gas Company, (herein called "the Company"), a corporation organized and existing under the laws of the State of Wisconsin, its successors and assigns, upon the conditions hereinafter set forth, the exclusive right, authority and permission to construct, maintain, operate, enlarge and repair in the Town of Caledonia, a system for the furnishing and distribution of natural gas and natural gaseous fuels, and to use the highways, roads, streets, alleys, lanes, boulevards, parks, public ways, public grounds and bridges in said Town for constructing, maintaining, operating, enlarging and repairing, transmission and distribution pipe lines with all the necessary, usual or convenient manholes, valves, passage ways and appurtenances for the purpose of supplying and selling natural gases and natural gaseous fuels to said Town and its residents and to any building, structure, factory, processing plant, industry or public or private house or any gas user therein.

**SECTION 2**

This franchise is granted subject to the restrictions and conditions contained in applicable Sections of the Wisconsin Statutes, and further subject to such rules and regulations as the Town Board of said Town of Caledonia may from time to time prescribe.

**SECTION 3**

This franchise shall be void and shall expire if the Company shall not have obtained from the Public service Commission of Wisconsin within three years from the date of publication of this Resolution a certificate authorizing it to transact such public utility business and to construct and operate the above described gas distribution system in said Town of Caledonia.

Adopted this 14 day of October 1991.

## 2.11 Proclamations

September 15, 1984

Let it be made known that the Town of Caledonia does not discriminate against any disabled or handicapped person. The Town Hall being easily accessible to wheelchairs or people on crutches. Parking in the outdoor lot is clearly marked for handicapped or veterans etc. The Town Board does not discriminate against handicapped in the hiring for jobs.

TITLE III: PUBLIC WORKS

### 3.1 Provisions and Regulations to Provide for the Maintenance of Town of Caledonia Road Right of Ways and Stormwater Drainage Facilities

### **3.1: PROVISIONS AND REGULATIONS TO PROVIDE FOR THE MAINTENANCE OF TOWN OF CALEDONIA ROAD RIGHT OF WAY AND STORMWATER DRAINAGE FACILITIES**

**WHEREAS**, the town board of supervisors of the Town of Caledonia, Waupaca County, Wisconsin, has the authority and responsibility to maintain and regulate policy for established road right-of-way on all town roads in order to promote public safety, convenience, general welfare, and to protect the public investment of existing and proposed highways by preventing costly road improvements, premature obsolescence and to provide for safe and efficient ingress and egress to Town of Caledonia roads, and;

**WHEREAS**, the town board of supervisors of the Town of Caledonia, Waupaca County, Wisconsin, has the authority and responsibility to maintain roadway drainage ditches, storm water sewers and all other storm water drainage facilities in order to provide protection for all personal property, provide roadway safety and preserve the investment of existing, proposed, and future roads, and;

**WHEREAS**, Wisconsin State Statutes, Chapters 66, 86 and 88 support these provisions, as noted.

**NOW, THEREFORE BE IT RESOLVED** by the Town of Caledonia Board of Supervisors to ordain as follows:

1. **ROADWAYS, CULTIVATION OF; INJURY, DAMAGE OR ALTERATION BY FARM MACHINERY:** No person shall, within the limits of any road right-of-way in the Town of Caledonia, Waupaca County, plow, cultivate, or otherwise work any lands in such manner as to interfere with or obstruct the drainage in any town road, ditch, road right-of-way nor shall any person operate any farm or other machinery on, over, along or across any town road in such manner as to materially damage the town road or interfere with or alter the flow of present or future groundwater in the drainage ditch. (Wis.SS86.021)
2. **OBSTRUCTION OF ROADWAY WITH EMBANKMENT OR DITCH:** No person shall willfully or maliciously make any ditch, depression or embankment or place any obstruction in any town road or road right-of-way which may impede or incommode the use and/or maintenance of any town road or who shall place any obstruction in any ditch constructed to drain the flow of storm water or drain water from any town road.(Wis.SS86.022)
3. **UNAUTHORIZED PERSONAL PROPERTY ERECTED IN ROAD RIGHT-OF-WAY :** No Person shall place or have placed any personal property in the road right-of-way permanently

or temporarily without the written permission of the town board of supervisors.(Wis.SS86.04)

4. **AUTHORIZED PERSONAL PROPERTY ERECTED IN THE ROAD RIGHT-OF-WAY:** No person shall place any signage, mailbox, or other structure, authorized by the town board, in the road right-of-way unless it is erected on a break-away post per Wisconsin State DOT mandates.(Wis.SS86.04)
5. **TREES PLANTED IN THE ROAD RIGHT-OF-WAY:** No person shall plant any trees or vegetation in the road right-of-way. (Wis.SS66.1037)
6. **TOWN AUTHORITY TO TRIM TREES AND BRUSH:** In order to provide a safe and unobstructed roadway and view and in order to maintain the flow of storm water drainage, the town of Caledonia reserves the right to provide for the removal and/or trimming of any trees and brush in the road right-of-way which may be considered a safety hazard or restrictive of drainage, including branches from adjacent private property, that hang over the town road right-of-way. Property owners are strongly urged to not plant their trees on the property line.(Wis.SS66.1037)
7. **OBSTRUCTING DRAINAGE DITCHES:** No person shall by any means obstruct or alter the flow of storm water in any drainage ditch, storm water sewers or other storm water management facilities provided under the authority of the Town of Caledonia Town Board of Supervisors. (Wis.SS88.07)
8. **SALVAGE INCURRED IN ROAD CONSTRUCTION PROJECTS:** Materials removed from a road construction or improvement project which may be suitable for reuse or have a market value, and which are not used in or disposed of under the contract for the work, shall become the property of the Town of Caledonia and shall be used and/or disposed of by decision of the Town of Caledonia Town Board in a manner as its judgement is for the best interest, most expedient, and most cost effective. Any money received for such material shall be received into the town's general fund. (Wis. SS86.10)
9. **PENALTIES:** Penalties shall result in forfeitures of not less than \$25 per day and not more than \$300 per day for violations of this ordinance and the cost that may be incurred by the Town of Caledonia to correct the violation.

**ADOPTED THIS \_\_19<sup>th</sup> Day of September\_\_\_\_\_ 2016,** by the Caledonia Town Board of Supervisors, Waupaca County, Wisconsin.

### 3.2 Roads: Naming, Transfers, Discontinuances/Abandonment & Maintenance



**CODIFIED ORDINANCE 3:2 – 2018-01-01**

**AN ORDINANCE TO RENAME A ROAD WITH A PRIOR ADDRESS OF WAUPACA COUNTY ROAD H TO BOWMAN COURT**

**WHEREAS;** when the State of Wisconsin Department of Transportation reconfigured State Highway 96 (formerly known as State Highway 10 at the time), a small portion of Waupaca County Highway H, located in Readfield, Town of Caledonia was discontinued; and,

**WHEREAS;** when this portion of Waupaca County Highway H was discontinued, it was given to the Town of Caledonia to maintain; and,

**WHEREAS;** for address purposes, the road continued to be referenced as Waupaca County H, and designated and mapped by Wisconsin Department of Transportation as “Town Rd. #63”; and,

**WHEREAS;** the Waupaca County Department of Emergency Management depends on accurate address information to provide for fire, police, and ambulance service providers; and,

**WHEREAS;** Waupaca County needs to update and improve the GIS land mapping to correctly designate addresses to residential properties in Waupaca County; and,

**NOW THEREFORE, THE WAUPACA COUNTY TOWN OF CALEDONIA TOWN BOARD DOES ORDAIN AS FOLLOWS:**

1. To rename the road in Readfield, which runs southeast of Highway H in Readfield, currently known as Highway H and/or Town Rd. #63 to Town of Caledonia town road:

**BOWMAN COURT** (see map attached)

2. To change the following address:

- From: E9085 CTY HWY H      To: E9085 BOWMAN CT
- From: E9094 CTY HWY H      To: E9094 BOWMAN CT
- From: E9098 CTY HWY H      To: E9098 BOWMAN CT

**This ordinance shall become effective on April 1, 2018 and shall be posted upon passage per Wisconsin State Statutes by the town clerk.**

**ADOPTED THIS 19<sup>TH</sup> DAY OF FEBRUARY, 2018**

### 3.3 Solid Waste and Recycling

### 3.6 Public Improvements

TITLE IV: TRAFFIC CODE

## 4.1 General Provisions

## 4.2 Traffic Rules

## **ORDINANCE TO LOWER SPEED LIMIT ON TOWN HIGHWAYS**

The Town Board of the Town of Caledonia, Waupaca County, Wisconsin, has the specific authority under s 349.11, Wis. Stats., to adopt this ordinance.

The Town Board of the Town of Caledonia, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the town to reduce the speed limits on certain town highways as follows:

A. Pursuant to s. 349.11, Wis. Stats., effective December 1, 2007, speed limits on the following Town of Caledonia highways are reduced to 45 miles per hour: Bean City Rd, Brehmer Rd, Guhl Rd, Kanaman Rd, Lietzke Rd and Marten Rd (9-17-2012)

B. Pursuant to s.349.11 (5), Wis. Stats., the town chairperson, or his or her designee, shall place appropriate traffic signs at the above-described locations on or before the effective date of this ordinance.

C. No person may operate any vehicle on the above-noted town highways, in violation of the above-noted speed limits. Any violation shall be subject to penalties under s.346.60, Wis. Stats.

This ordinance is effective on December 1, 2007.

The town clerk shall properly post or publish this ordinance as required under

**ORDINANCE ADOPTING AN AMENDMENT TO THE TOWN OF CALEDONIA CODIFIED  
ORDIANCES TO POST 45 MPH SPEED LIMIT ON ROBE ROAD**

**WHEREAS;** Pursuant to TOWN OF CALEDONIA CODE OF ORDINANCES, Section IV TRAFFIC CODE (s) 4.2 Traffic Rules of the authorized under s. 349.11 Wisconsin Statutes, the Town of Caledonia, Waupaca, Wisconsin is authorized to reduce speed limits on town roads with a quorum and by a roll call vote by a majority of the town board present and voting, and.

**WHEREAS;** it has been determined that the speed along Robe Road in the Town of Caledonia needs to be reduced to ensure safety,

**BE IT ORDAINED,** by the Caledonia Town Board of Supervisors, Waupaca County, Wisconsin to reduce the speed limit on Robe Road in the Town of Caledonia, Waupaca County to 45 MPH, and

**BE IT FURTHER ORDAINED** by the Caledonia Board of Supervisors to place the appropriate traffic signs at each end of Robe Road as soon as possible.

**ADOPTED THIS 20<sup>TH</sup> DAY OF JULY, 2015.**



**ORDINANCE TO ESTABLISH SPEED LIMITS ON TOWN OF CALEDONIA, WAUPACA  
COUNTY WISCONSIN SUBDIVISION ROADS  
2016-02-02**

The Town Board of the Town of Caledonia, Waupaca County, Wisconsin has the specific authority under s.346.57, Wis. Stats. to adopt this ordinance to modify speed restrictions.

The Town Board of the Town of Caledonia, Waupaca County, Wisconsin, by adoption of this ordinance adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the town to reduce the speed limit on all town roads located in Town of Caledonia subdivisions.

- A. Pursuant to s.346.57(4)(j) Wis. Stats., effective March 1, 2016, speed limits shall be reduced to 35 MPH on all roads within the following Town of Caledonia subdivisions.
  - Nathan's Creek Subdivision
  - Whispering Winds Subdivision
  - Woodland Hills Subdivision
  
- B. The town chairperson, or his/her designee, shall place appropriate traffic signs at the above described locations at all entrances to each subdivision on or before the effective date of this ordinance.
  
- C. No person shall operate any vehicle on the above noted subdivision town roads in violation of the above stated speed limits. Any violation shall be subject to penalties under s.346.60, Wis. Stats.
  
- D. This ordinance shall be appropriately posted upon adoption and shall be effective on March 1, 2016.

Adopted on February 15, 2016

### 4.3 Stopping, Standing and Parking

## **PROHIBITING THE PARKING OF VEHICLES ON OR ABUTTING STATE HIGHWAY 96**

BE IT ORDAINED, that the Town of Caledonia, as located in Waupaca County, Wisconsin, does hereby prohibit the parking of vehicles on or abutting State Highway 96.

BE IT ORDAINED, that the penalty, for violation of this Ordinance, shall be the payment of a forfeiture of not less than \$150.00 for first offense; \$250.00 for second offense; \$500.00 for third offense and each offense thereafter.

A valid vehicle emergency (breakdown, etc.) causing a person to temporarily leave a vehicle along the roadway is an exception to a violation hereunder. No such vehicle shall remain unattended for more than 12 hours.

Adopted: April 19, 2004.

#### 4.4 Play Vehicles, Bicycles and Snowmobiles (RESERVED)

## 4.5 Driveway Clearance & Access

**DRIVEWAY CLEARANCE, CULVERT AND STORM WATER DRAINAGE MINIMUM SPECIFICATIONS, RULES AND PROVISIONS**

**WHEREAS**, the Town Board of the Town of Caledonia, Waupaca County, Wisconsin has determined that there is a need for emergency vehicles to gain access to properties via private driveways in the township thus creating a need to develop minimum specifications for driveway construction in order to guarantee clearance for all emergency vehicles, and;

**WHEREAS**, the Town Board of the Town of Caledonia, Waupaca County, Wisconsin has determined that in most cases there is a need for culverts to be installed concurrently with driveways in order to direct and maintain effective flow of storm water. and;

**WHEREAS**, the Town Board of the Town of Caledonia, Waupaca County, Wisconsin shall provide a storm water management program to protect town roads and private property,

**NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF CALEDONIA, WAUPACA COUNTY, WISCONSIN**, to rescind Ordinance No. 8, Series of 1999, and amend the **“DRIVEWAY AND CULVERT SPECIFICATIONS”** Ordinance adopted on July 19, 2010, to amend and adopt the following rules, minimum driveway specifications and culvert construction and maintenance specifications titled **“AN ORDINANCE TO CREATE DRIVEWAY CLEARANCE, CULVERT AND STORM WATER DRAINAGE MINIMUM SPECIFICATIONS, RULES AND PROVISIONS”**.

1. No person shall construct or maintain any driveway across any ditch, sidewalk trail or curbing or enter any road without first obtaining a driveway permit from the Town Board of the Town of Caledonia (hereinafter known as the Town) subsequent to evaluation by a designated representative thereof. Where a culvert will be installed, the permit shall include the size and type of culvert to be installed in compliance with the rules as set forth. Driveway Permits can only be approved by the Town Board at a regularly convened town board meeting.

2. No person shall install concrete overlays from the road right-of-way at the property line to the road.
3. The Town does hereby adopt any and all regulations, rules, or laws of Waupaca County as they pertain to private driveways with the exception that any and all private, non-agricultural driveways within the Town of Caledonia must have a minimum width of 20 feet including a minimum of 4 feet of clearance on each side in order to allow adequate unobstructed clearance for emergency vehicles.
4. All culverts shall be constructed of galvanized steel pipe and shall include apron end walls. The person so designated by the Town Board to evaluate the permit shall designate the size (length and diameter) of the culvert to be installed. Except for all private agricultural driveways, the minimum diameter for all culverts shall be 15" diameter and minimum of 24 foot tube length. All private agricultural driveways within the Town of Caledonia must have a minimum 40 foot tube length culvert installed to accommodate large vehicles and machinery used in the business of agriculture.
5. In the event of disagreement by the owner with the Town Board representative, the owner may request that the Town Board as a whole review the matter and set the required parameters.
6. The property owner shall pay the total cost of all driveways and culverts including the cost of the culvert itself before a building permit will be issued by the Building Inspector of the Town of Caledonia, Waupaca County. Street surfaces, slopes, shoulders, ditches and vegetation disturbed shall be restored at the expense of the property owner.
7. The surface of the driveway connecting with open ditches street sections shall slope down and away from street shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing on the roadbed.
8. Installation shall be made without danger to or interference with traffic using the public roadway system
9. Property owners are responsible for keeping culverts open, unobstructed and in proper operating order at all times.
10. The town board shall have the authority to order any future replacement or repair of culverts when it has been determined by the town board and/or its designated representative that the culvert is failing to maintain the drainage flow necessary to appropriately provide proper storm water drainage. Subsequent replacement and/or repair shall be done by order of the town board at the expense of the property owner.

11. If the town later changes the specification of the culvert initially approved in the original permit, and there is no change in the use or operation of the driveway, the town shall be responsible to pay for the cost of a new culvert installation.
12. The town board shall pay the total cost when a road project or drainage adjustment causes the need for a culvert replacement.
13. If a road project does not require that a functioning culvert be replaced, however, the culvert is deteriorating and shall need replacement in the near future, the town may offer a cost sharing replacement of the existing culvert to residents whereby residents agree to pay for the culvert and end walls and the town will pay for installation.
14. If the town board determines that the property owner is not in compliance with item (#9,#10) above, action shall be taken by the town board to correct (clean out or replace damaged or obstructed culvert) and bill back, by invoice, the cost associated with that action to the property owners. Unpaid invoices on November 15<sup>th</sup> each year will be placed on the property tax bill.
15. All costs associated with the initial installation of driveways, driveway approaches, and culverts and all future changes or adjustments of driveways, driveway approaches, and culverts that are determined to be failing for any reason, shall be borne by the property owner. Any cost associated with the maintenance of driveway, driveway approaches, and culverts installed in the town right-of-way shall be the responsibility of the property owners.
16. The applicant, his successors or assignee, agrees to hold harmless the Town of Caledonia, Waupaca County, Wisconsin, and it's duly appointed agents and employees against any action for personal injury or property damage sustained by reason of exercise of this ordinance.

**DRIVEWAY PERMIT FEE SHALL BE DETERMINED BY RESOLUTION AND SHALL BE RECORDED IN THE SCHEDULE OF FEES AVAILABLE FROM THE TOWN CLERK AND AS PART OF THE TOWN OF CALEDONIA, WAUPACA COUNTY CODIFIED ORDINANCE.**

**PENALTIES:** Penalties may be enforced by means of revoking the Drive Way Permit and/or forfeitures . Forfeitures shall not be less than \$25 per day and may not be more than \$300 per day.

**AMENDED AND ADOPTED THIS** \_\_\_\_19\_\_\_\_ DAY OF \_\_\_\_September\_\_\_\_, 2016.



## 4.6 Weight Limits

**AN ORDINANCE TO AMEND CODIFIED ORDINANCE : TITLE IV TRAFFIC CODE 4.6  
WEIGHT LIMITS : TO DESIGNATE BEAN CITY ROAD IN THE TOWN OF CALEDONIA,  
WAUPACA COUNTY, WISCONSIN AS A CLASS “B” HIGHWAY**

**ORD AMENDMENT NO. 2013-10-01**

**WHEREAS,** The Town Board of the Town of Caledonia, Waupaca County, Wisconsin, has the specific authority under s. 349.,15(2), Wisconsin Statutes, to adopt this ordinance, and;

**WHEREAS,** The Town Board of the Town of Caledonia, by this ordinance amendment, adopted this date with proper notice and with a quorum and by roll call vote by a majority of the town board present and voting, provides the authority for the town to designate town highways as class “B” highways in the town as follows:

1. Bean City Road in the Town of Caledonia, Waupaca County, Wisconsin is hereby designated a class “B” highway subject to the weight limits set forth in s. 348.16(2), Wisconsin Statutes.
2. The town chairperson, or her designee, shall have placed appropriate traffic signs on Bean City Rd. before the effective date of this ordinance.
3. No person may operate any vehicle on Bean City Rd. in the Town of Caledonia, Waupaca County, Wisconsin, in violation of the weight limits set forth in s 348.16(2), Wis. Stats. Any violation shall be subject to penalties under s 348.21, Wisconsin Statutes.

**NOT THEREFORE BE IT ORDIANED** by the TOWN BOARD of the TOWN OF CALEDONIA, WAUPACA COUNTY, WISCONSIN to amend the Town of Caledonia Codified Ordinances, Title IV-TRAFFIC CODE, Section 4.6 *Designate Class B Highways* , Item (A), to add Bean City Road as a Class “B” highway.

This ordinance amendment shall become effective at the time the signage is installed on Bean City Road in the Town of Caledonia, Waupaca County, Wisconsin.

The town clerk shall properly publish this ordinance amendment as required under s. 60.80, Wisconsin Statutes.

Adopted October 21, 2013.

## **DESIGNATE CLASS "B" HIGHWAYS**

The Town Board of the Town of Caledonia, Waupaca County, Wisconsin, has the specific authority under s.349 .15 (2), Wis. Stats., to adopt this ordinance.

The Town Board of the Town of Caledonia, by this ordinance, adopted on proper notice with a quorum and by roll call vote by a majority of the town board present and voting, provides the authority for the town to designate town highways as class "B" highways in the town as follows:

A. The following town highways in the Town of Caledonia are designated class "B" highways subject to the weight limits set forth ins. 348.16(2), Wis. Stats.

Guhl Rd – 11/20/2008

Brehmer Rd, Kanaman Rd, and Lietzke Rd. – 10/15/2008

Marten Rd - 5/1/2012

B. The town chairperson, or her designee, shall place appropriate traffic signs on the above described highways on or before the effective date of this ordinance.

C. No person may operate any vehicle on the above-noted highways, in violation of the weight limits set forth in s 348.16 (2), Wis. Stats. Any violation shall be subject to penalties under s 348.21, Wis. State.

DETERMINATION OF TOWN ROAD  
SUBJECT TO WEIGHT LIMITATIONS

Name of Town Road: \_\_\_\_\_

Reason for determining town road is subject to weight limitation:

\_\_\_\_\_ Deteriorating road bed

\_\_\_\_\_ Road width

\_\_\_\_\_ Bridge or culvert cannot safely sustain loaded truck weight

\_\_\_\_\_ Other

**AN ORDINANCE ESTABLISHING VEHICULAR WEIGHT LIMITS  
FOR CERTAIN TOWN ROADS**

WHEREAS, the Town of Caledonia has Town roads, that have been constructed/reconstructed at different periods of time; and,

WHEREAS, for certain Town roads, the Town road bed itself is deteriorating or will suffer further deterioration from heavy truck traffic; and,

WHEREAS, there are certain Town roads that are very narrow, making it difficult for a passenger vehicle and a truck to pass each other; and,

WHEREAS, there are certain Town roads that need to have vehicular weight limits, due to bridges or culverts underlying the Town road and their incapacity to bear substantial weight loads; and,

WHEREAS, Wisconsin Statutes 349.16 et. al, allows a Town to impose weight limits on Town roads.

NOW THEREFORE, BE IT ORDAINED, by the Town Board of Supervisors, Town of Caledonia, as follows:

1. That as to Town roads, within the Town of Caledonia, the Town Board shall have the right to establish vehicular (truck) weight limitations thereon, upon a finding by the Town Board of one or more of the factors set forth above, for example, deteriorating road bed, narrow road width, etc.
2. From time to time, the Town Board of Supervisors shall determine the weight limits for truck traffic applicable to a Town road, pursuant to this Ordinance, and thereafter shall post the weight limits along the road right-of-way of the Town highway that is being posted as to a weight limitation.
3. That the Town Board of Supervisors, when determining a Town road that will have Town weight limitations applicable thereto, shall complete the form attached hereto, and the same shall be adopted by majority vote of the Town Board of Supervisors at a meeting duly called and held.
4. PENALTY. A violation of this Ordinance may be enforced by the Town obtaining a Court Order prohibiting any person or business entity from violating this Ordinance. In addition thereto, the Town may seek a forfeiture of \$500.00, plus costs of prosecution, for a violation of this Ordinance. In furtherance thereof, the Town shall be authorized to issue a written citation for alleged violations of this Ordinance, with the citation returnable before a Circuit Court for Waupaca County. In lieu thereof, the Town may commence either a Small Claims Action to collect the forfeiture, or to enjoin (stop) a person or business entity from operating a truck traffic on a Town road contrary to establish weight limits; or the Town may have the Town Attorney bring an action in Circuit Court for Waupaca County to enforce this Ordinance.

Adopted: January 17, 2005.

## 4.7 Wolf River / Boating

## **REGULATION OF FISHING RAFTS ON THE WOLF RIVER**

### **SECTION 1.0-STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE, AND TITLE**

#### **SECTION 1.1 -REPEAL OF PRIOR ORDINANCE**

Town of Caledonia ordinance # \_\_\_\_, is hereby repealed in its entirety. The passing of this ordinance declares that the previous ordinance regulating Fishing Rafts in the Town of Caledonia is null, void, and stricken in its entirety.

#### **SECTION 1.2-STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to authorization in ss. 30.126 and 30.77 Wisconsin Statutes.

#### **SECTION 1.3-FINDINGS OF FACT**

Historically, fishing rafts have been on the Wolf River and its tributaries from the Shawano dam downstream to Lake Poygan. Typically, most rafts are used during spring fish spawning runs. The number and conditions of rafts has caused conflicts with the other river users and has resulted in other problems on the Wolf River. The need to regulate fishing rafts is hereby recognized by the Town of Caledonia, Waupaca County, Wisconsin.

#### **SECTION 1.4-PURPOSE**

The purpose of this ordinance is to:

1. Establish certain restrictions on the placement, use and storage of fishing rafts.
2. Provide for annual registration and inspection of fishing rafts.
3. Establish certain construction and maintenance standards for fishing rafts.

### **SECTION 2.0-DEFINITIONS**

#### **SECTION 2.1 -FISHING RAFT**

A "Fishing raft" means any raft, float, or structure, including a raft or float with a superstructure and including a structure located or extending below the ordinary high water mark of the waterway, which is designed to be used or is normally used for fishing, which is not normally used as a means of transportation on water and which is normally retained in place by means of a permanent or semi-permanent attachment to the shore or to the bed of the waterway. Fishing rafts do not include outhouses, fixed houseboat, wharfs and piers.

#### **SECTION 2.2-FLOTATION DEVICE**

"Flotation Device" means any device used to provide flotation for a fishing raft, including each individual barrel or Styrofoam coffin.

#### **SECTION 2.3-RIPARIAN**

"Riparian" means the owner of the shore lands adjacent to the Wolf River or its tributaries.

#### **SECTION 2.4-MUNICIPALITY**

"Municipality" means any city, village, or town, which adjoins or includes any part of the Wolf River or its stream tributaries from the Shawano dam downstream to Lake Poygan.

#### **SECTION 2.5-ORDINARY HIGH WATER MARK**

"Ordinary High Water Mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave distinctive mark, such as by erosion, destruction or

prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

## **SECTION 3.0 – RESTRICTIONS ON FISHING RAFTS ON THE WOLF RIVER AND ITS TRIBUTARIES**

### **SECTION 3.1 -FISHING RAFTS MAY NOT:**

1. Obstruct navigation or interfere with public rights.
2. Be located in the channel of the waterway.
3. Block more than 25% of the width of the waterway, singularly, or in combination with other fishing rafts.
4. Be located within 10 feet of another fishing raft.
5. Be placed in the waterway except by a riparian property owner next to their own land or except by written permission of the riparian property owner.
6. Be placed into the river or below (waterward) of the ordinary high water mark prior to March 1<sup>st</sup> of any year and must be removed from the river and placed above (landward) of the ordinary high water mark by October 31<sup>st</sup> of each year.
7. Be stored above (landward) of the ordinary high water mark of the river, for an entire calendar year without the proper variance granted by the town board of supervisors for the Town of Caledonia.
8. Be equipped with toilets unless those toilets comply with rules of the Wisconsin Department of Commerce. (COMM ch. 86, WAC or the most current revision)
9. Be abandoned.
10. Be placed into the water with improper flotation devices.
11. Be improperly maintained. (s. 30.126(5)(j) Stats.)
12. Be: used as a fishing raft unless registered as such.
13. Exceed 512 sq. ft. with no maximum dimension being longer than 32 feet. Rafts registered prior to Jan 1, 2001 deemed to be in compliance with this provision.
14. Have a maximum height from the deck to the peak of the roofline greater than 11 feet. Rafts registered prior to Jan. 1, 2001 shall be deemed to be in compliance with this provision.

### **SECTION 3.2 -FISHING RAFTS MUST:**

1. Be stored completely above (landward) the ordinary high water mark, during a period from on or before October 31<sup>st</sup> to March 1<sup>st</sup>.
2. Be placed into the waterway, located or extending beyond or below (waterward) the ordinary high water mark, for a period of not less than 14 continuous days and nights. Any raft that is not placed into the waterway for this period, during a calendar year, shall be deemed in violation of this ordinance and shall be deemed an illegal structure and is then subject to all applicable zoning regulations. The town board of supervisors of the Town of Caledonia may grant, upon request, a variance for extenuating circumstances, such as low water, allowing a fishing raft to remain out of the waterway, above (landward) the ordinary high water mark, for the entire calendar year. This variance is at the sole discretion of the board and may only be approved by a majority vote. Persons seeking this type of variance should apply, in writing, to the town board of supervisors for the Town of Caledonia.

## **SECTION 4.0-FISHING RAFT REGISTRATION**

### **SECTION 4.1-REGISTRATION AND TRANSFER**

1. Any person mooring, placing, or maintaining a fishing raft on the Wolf River and its tributaries within the Town of Caledonia shall register each fishing raft annually with the municipality in which the fishing raft will be most frequently moored.



2. All registrations shall expire on December 31<sup>st</sup> of each year.
3. Any person who acquires an interest in an existing raft shall submit an application within 15 days to transfer the registration number.

#### **SECTION 4.2-APPLICATION FOR REGISTRATION**

An application for new, renewal, or transfer of fishing raft registration shall contain:

1. The owner's name(s).
2. The owner's address(') and telephone number(s).
3. Name of municipality in which the raft is or will be most frequently used.
4. The registration number and expiration date, if the raft was previously registered.
5. Type of application new, transfer, or renewal.
6. Proof that the applicant is the riparian owner of property adjacent to the rafts mooring location or has written permission of the riparian owner.

#### **SECTION 4.3-REGISTRATION FEE .**

1. The annual registration fee is originally established at \$5.00 and shall accompany each application for new or renewal of ownership registration.
2. A fee is not required for transfer of ownership if a valid registration exists for the fishing raft.
3. The Town of Caledonia• will use the fee to administer and enforce the fishing raft registration system and fishing raft restrictions.

#### **SECTION 4.4-REGISTRATION CERTIFICATE**

The Town of Caledonia will issue a Certificate of Registration for each raft registered. Under no circumstances will a Certificate of Registration be issued to an applicant if their raft does not meet the State, County or Town's definition for a fishing raft. Nor will a certificate be issued to any applicant whose raft is found in any violation of any State, County, or Town law, statute or ordinance until the municipality/authority in question deems that the raft is now in compliance. The Certificate of Registration will contain:

1. Fishing raft number.
2. Expiration date.
3. Name of municipality .
4. Owner's name(s)
5. Owner's address(')

#### **SECTION 4.5-NOTIFY DEPARTMENT OF NATURAL RESOURCES**

The Town of Caledonia shall submit a complete list of all registered fishing rafts and their owner's names to the Department of Natural Resources on or before April 1<sup>st</sup> of each year. The list should be mailed to: Water Management Coordinator, Wisconsin Department of Natural Resources, PO Box 10448, Green Bay, WI. 54307

#### **SECTION 4.6-DISPLAY OF FISHING RAFT' REGISTRATION NUMBER**

The assigned registration number shall be firmly affixed or painted to the river facing side of each fishing raft. The assigned registration number shall be firmly affixed or painted to at least one location on each flotation device. Each registration number shall read from left to right, contrast with the background and shall be in block letters and numbers not less than three (3) inches high. Each shall be clearly visible and legible.

#### **SECTION 5.0-CONSTRUCTION AND MAINTENANCE OF FISHING RAFTS AND FLOTATION DEVICES**

**SECTION 5.1-FISHING RAFTS SHALL BE MAINTAINED BY THEIR OWNER(S) IN SOUND CONDITION ACCORDING TO THE FOLLOWING STANDARDS:**

1. Rafts shall be aesthetically pleasing.
2. If the raft has railing, railings shall be firmly attached to the raft. Loose railings shall be repaired or removed.
3. Toilets, if installed, shall be maintained to comply with COMM Ch. 86, WAC, or the most current revision, as if the toilet were on a boat.
4. The fishing raft shall be firmly anchored or attached to the bed or bank of the waterway to ensure that the fishing raft will not break loose.
5. All cables, anchors, spud poles, or similar devices that anchor or attach the fishing raft to the bed or bank of the waterway shall be removed from the waterway when the raft is removed.
6. Each fishing raft shall be marked with lights, reflecting tape, or reflectors placed in a conspicuous location to make the fishing raft clearly visible at night

**SECTION 5.2-FLOTATION DEVICES SHALL BE ATTACHED AND MAINTAINED IN THE FOLLOWING MANNER:**

1. All flotation devices shall be airtight and scaled.
2. All flotation devices shall be clean and shall not contain any chemicals, oil, grease, or other residue.
3. Containers that contained a toxic or hazardous material as defined ins. NR 605.04, WAC, shall not be used as a flotation device.
4. Metal flotation devices shall be free of rust and painted or coated to prevent rusting.
5. Leaking or deteriorated flotation devices shall be immediately removed from the fishing raft and replaced.
6. Any flotation device, which becomes detached from the fishing raft. shall be retrieved and removed from the waterway by the raft owner(s).

**SECTION 6.0-ENFORCEMENT**

**SECTION 6.1 -ORDER FOR REMOVAL**

The Town of Caledonia, Waupaca County may order the owner(s) of a fishing raft to remove this fishing raft from the waterway or property if any provisions of this ordinance or section 30.126(5) Stats. are not being complied with.

**SECTION 6.1**

If a person fails to comply with an order to remove issued under section 6.1, or if the Town of Caledonia is unable to determine the owner(s) of fishing raft, the Town of Caledonia may remove and dispose of the fishing raft.

**SECTION 6.3**

The owner(s) or person(s) responsible for the fishing raft shall reimburse the Town of Caledonia for any costs incurred by the town associated with the removal and disposal of the fishing raft under section 6.2.

**SECTION 6.4-PENALTY**

A person who violates any provisions of this ordinance or any order issued under this ordinance shall forfeit not less than \$10.00 nor more than \$250.00 for each offense. Each day of violation constitutes a separate offense.

Adopted: August 21, 2000

**REGULATING WATER TRAFFIC, BOATING AND WATER SPORTS UPON THE WATERS OF THE WOLF RIVER AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF .**

Section 1: Intent. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

Section 2: Applicability and Enforcement. The provisions of this ordinance shall apply to the waters of the Wolf River within the jurisdiction of the Town of Caledonia. The provisions of this ordinance shall be enforced by the law enforcement officers of the Water Safety (boat) Patrol, Waupaca County Sheriff's Department and/or Police of the State of Wisconsin.

Section 3: Definition. Definitions in the ordinance:

a) "Slow-no-wake" shall mean the slowest possible speed so as to maintain steerage.

Section 4: Restricted Areas. It shall be unlawful to operate any watercraft on the Wolf River in the safety areas designated and marked by buoys in the Town of Caledonia at a speed greater than Slow-no-wake, The following areas are Slow-no-Wake areas which shall be marked by buoys maintained by the Town: (See attached detailed map of buoy locations)

a) Starting at a point in the NW ¼ Section of Section 7, T.22 N.-R.14E, Town of Caledonia where the town road known as Rawhide Road, if extended directly West, across the Wolf River and includes the area from this point upstream to a point where the North Quarter Section line of Section 7 crosses the Wolf River.

b) Starting at a point in the SE 1/4 of Section 6, 200 yards downstream from the point where the Wolf River crosses the North Quarter Section line of the said SE 1/ 4 of Section 6, and includes the area from that point upstream to a point 100 yards beyond the point where the Wolf River branches with the Big Cut in the NE ¼ Section of Section 6. This restricted area is all located in the NE ¼ and the SE 1/4 of Section 6, T.22 N.-R.14E.

c) Starting at a point on the North Section line of Section 6. T.21 N.-R. 14E. in the Town of Caledonia where the Wolf River crosses the town line from the Town of Mukwa and includes the area downstream 100 yards.

All such areas shall be marked in accordance with Wisconsin Statutes.

Section 5: Penalties. Any person violating any provision of this ordinance shall forfeit not more than \$50.00 and costs of prosecution for the first offense and shall forfeit no more than \$100.00 and costs of prosecution upon conviction of the same offense a second or subsequent time within one year. In default of the payment of any such forfeiture and costs, shall be confined in the County Jail for such time as directed by the court but not to exceed ninety days.

Adopted: August 11, 2008

### Caledonia Wolf River Buoy's

Buoy 01North	Dead End	N44 19.576 W88 50.412
Buoy 02	Dead End	N44 19.587 W88 50.418
Buoy 03	Wolf River	N44 19.579 W88 50.452
Buoy 04	Wolf River	N44 19.559 W88 50.550
Buoy 05	WolfRiver	N44 19.500 W88 50.509
Buoy 06	Wolf River	N44 19.414 W88 50.516
Buoy 07	Wolf River	N44 19.376 W88 50.533
Buoy 08	Wolf River	N44 19.358 W88 50.592
Buoy 09	Wolf River	N44 19.374 W88 50.788
Buoy 10	Wolf River	N44 19.309 W88 50.790
Buoy 11	Wolf River	N44 19.239 W88 50.782
Buoy 12	Wolf River	N44 18.977 W88 50.963
Buoy 13	Wolf River	N44 18.956 W88 50.972
Buoy 14	WolfRiver	N44 18.935 W88 50.972
Buoy 15	Wolf River	N44 18.889 W88 50.972
Buoy 16	Wolf River	N44 18.812 W88 51.024
Buoy 17 South	Wolf River	N44 18.744 W88 51.103

#### 4.8: Ordinance to Adopt Established Truck Route for the Go Green, Guhl Road Stone Quarry

#### **4.8: ORDINANCE TO ADOPT ESTABLISHED TRUCK ROUTE FOR THE GO GREEN, GUHL ROAD STONE QUARRY**

**WHEREAS**, the town board of supervisors of the Town of Caledonia, Waupaca County, Wisconsin, has the authority and responsibility to designate truck routes to provide for safe and cost effective access to Town of Caledonia industrial and commercial enterprises, and;

**WHEREAS**, long range land use plans do not identify significant shifts in locations for commercial/industrial operations for the foreseeable future and the State Highway Road 45 commercial corridor has the potential to impact future truck routes, and;

**WHEREAS**, The Town of Caledonia Comprehensive Plan suggests that efforts be made to avoid conflicts between the various land use classifications by separating potential areas of conflict where reasonable, and;

**WHEREAS**, The Town of Caledonia Comprehensive Plan recommends that a five year plan be created and managed for road improvements to ensure continued alignment with planning activities, and;

**WHEREAS**, Town of Caledonia road budgets for maintenance and rebuilding road projects, are vastly restrictive, limited by Wisconsin State Levy mandates and;

**WHEREAS**, Class B designations protect key through-traffic roads although enforcement is limited, and;

**WHEREAS**, the Town of Caledonia Planning Commission has determined truck routes are consistent with the long term comprehensive plan and highly recommended at a meeting held on July 11, 2016, the adoption of a Go Green, Guhl Road stone quarry truck route, and:

**WHEREAS**, all other commercial/industrial facilities have access to county/state highways, and;

**WHEREAS**, benefits of the proposed route are as follows:

1. Shortest distance traveled on town roads to reach state/county highways
2. Least impact on other land uses, particularly residential
3. Lowest cost option for road improvements
4. Route is already major truck route under Class B
5. Wetlands impacts are manageable
6. Safest route, no Hwy 45/96 access points, hills or narrow roadways
7. Localizes industrial traffic to limited corridors – State Roads 45/96
8. Minimizes impact on distance trucks need to travel to reach state and/or county highways – adds only one mile per load

**NOW, THEREFORE BE IT RESOLVED** by the Town of Caledonia Board of Supervisors to adopt a truck route for the Go Green, Guhl Road stone quarry as follows:

- All trucks leaving the Go Green, Guhl Road stone quarry shall go south on Guhl Road to Brehmer Road and go west on Brehmer Road to Waupaca County Highway W.
- All trucks entering the Go Green, Guhl Road stone quarry shall enter Brehmer Road from Waupaca County Highway W, proceed east on Brehmer Road to Guhl Road; turn north on Guhl road to the entrance of the stone quarry.
- Signs will be installed to direct traffic and inform the public of this truck route

**PENALTIES:** Penalties for violations of this ordinance shall result in forfeitures of not less than \$25 per day and not more than \$300 per day.

**ADOPTED THIS \_\_19<sup>th</sup> Day of September \_\_\_\_\_ 2016,** by the Caledonia Town Board of Supervisors, Waupaca County, Wisconsin.

## TITLE V: GENERAL REGULATIONS



## 5.1 Abandoned Motor Vehicles (RESERVED)

5.2 Animals and Fowl

**DOGS -REGULATIONS AND LICENSING**

**SECTION 1 -LICENSE REQUIRED**

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

**SECTION 2 -DEFINITIONS**

Definitions. In this section, unless the context or subject matter otherwise require:

A. "Owner" shall mean any person owning, harboring or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog within the meaning of this section.

B. "At large" means to be off the premises of the Owner and not under the control of some person either by leash or otherwise, but a dog within a motor vehicle of its owner or in a motor vehicle of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

**SECTION 3 -RESTRICTIONS ON KEEPING OF DOGS**

It shall be unlawful for any person within the Town of Caledonia to own, harbor or keep any dog which:

- A. Habitually pursues any vehicle upon any public street, alley or highway in the Town.
- B. Assaults or attacks any person.
- C. Is at large within the limits of the Town.
- D. Habitually barks or howls to the annoyance of any person or persons.
- E. Kills, wounds, or worries any domestic animal.
- F. Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

**SECTION 4 -DUTY OF OWNER IN CASE OF DOG BITE**

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Town Constable, Town Board or County Sheriff's Department and shall keep such dog confined for not less than fourteen (14) days or for such period of time as the Town Constable, Town Board or County Sheriff's Department shall direct. The owner or keeper of any such dog shall surrender the dog to any Town Constable, Town Board or County Sheriff's Department upon demand for examination.

**SECTION 5 -IMPOUNDING OR KILLING OF DOGS**

In addition to any penalty hereinafter provided for a violation of this section, any person may impound any dog and any Town officer may kill any dog which habitually pursues any vehicle upon any street, alley or highway of this Town, assaults or attacks any person, is at large within the Town, habitually barks or howls, kills, wounds or worries any domestic animal or is infected with rabies. Possession of dogs impounded under this section may be obtained by paying \$25.00 to the Town Treasury plus \$0.75 a day for each day or fraction thereof the dog has been so impounded. Dogs impounded for a period of seven days shall be destroyed by or under the direction of the officer, in accordance with Chapter 174,

Wisconsin Statutes.

SECTION 6-REMOVAL AND SANITARY DISPOSAL OF ANIMAL WASTE

A. The owner or person having immediate control of a dog within the Town of Caledonia shall promptly remove and dispose of in a sanitary manner any excreta left or deposited by said dog upon public or private property located within the Town of Caledonia.

Adopted: 1998

### 5.3 Cemetery (RESERVED)

## 5.4 Fire Prevention and Protection

**APPROVE ADDEMDUM C TO MUTUAL AID BOX ALARM SYSTEM AGREEMENT**

**WHEREAS**, the Wisconsin Statute 66.0301(2) authorizes any municipality to contract with other municipalities and with federally recognized Indian tribes and bands in this state for the receipt or furnishing of services, such as fire protection and emergency medical services. Such a contract may be with municipalities of another state, as provided in Wisconsin Statute 66.0303(3)(b); and,

**WHEREAS**, the Wisconsin Statute 166.03(2)(a)3, provides that the standards for fire, rescue, and emergency medical services shall include the adoption of the intergovernmental cooperation Mutual Aid Box Alarm System (MABAS) as a mechanism that may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency response throughout Wisconsin and neighboring states; and,

**WHEREAS**, the Attorney General of the State of Wisconsin must approve any agreement between a Wisconsin municipality and a municipality of another state, and said agreement was approved by the Attorney General of the State of Wisconsin on December 22, 2000; and,

**WHEREAS**, said agreement was submitted to the governor of the State of Wisconsin for his concurrence, which was obtained and later adopted under Wisconsin Statute 66.0303(03) (a) and (b); and,

**WHEREAS**, the Town of Caledonia, Waupaca County, Wisconsin believes that intergovernmental cooperation for purposes of public safety and protection should be encouraged and that the Mutual Aid Box Alarm (MABAS) Agreement should afford these benefits to county residents by coordinating fire protection and emergency medical services, as recommended in Town of Caledonia Resolution 2012-03-02 dated March 19, 2012; and,

**WHEREAS**, it is in the best interest of the Town of Caledonia, Waupaca County, Wisconsin to enter into the proposed Mutual Aid Box Alarm System (MABAS) Agreement to provide for the coordination of fire protection and emergency medical services in the event of a large scale emergency, natural disaster, or man-made catastrophe.

**NOW, THEREFORE BE IT RESOLVED** that the Mutual Aid Box Alarm System (MABAS) Agreement, a copy of which is attached hereto and incorporated herein by reference, is hereby approved and town board of supervisors and town clerk be authorized to execute the same on behalf of the Town of Caledonia.

Adopted March 19, 2012

## **FIREWORKS PROHIBITED: SPECIAL PERMITS**

### **SECTION 1 -DEFINITION**

The term "fireworks" as used in this ordinance shall be defined as stated in Wisconsin Statutes, Section 167.10(1) as amended from time to time, meaning anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following: fuel or a lubricant, firearm cartridge or shotgun shell, flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle, a match, cigarette lighter, stove, furnace, candle, lantern or space heater, cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a

device which prevents direct bodily contact with a cap when it is in place for explosion, toy snake tobacco product, sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate, device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture, device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight, device that emits smoke with no external flame and does not leave the ground, cylindrical fountain not exceeding 1 00 grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke, or a cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

### **SECTION 2 -SELLING FIREWORKS**

It shall be unlawful for any person, firm or corporation to offer for sale at retail, or to sell at retail, to loan, barter, deliver or give away, or in any other way dispose of within the Town of Caledonia any fireworks as defined in Section 1 of this ordinance except to holders of permits as provided in Section 4 of this ordinance. Wisconsin Statutes Section 167.10, as amended from time to time, is adopted and incorporated herein by reference as if set forth fully herein.

### **SECTION 3 – PURCHASING OR USING FIREWORKS**

It shall be unlawful for any person, firm or corporation to purchase at retail, use, fire, set off, discharge, or set in motion or to ignite within the limits of the Town of Caledonia, any fireworks as described in Section 1, above except as provided in Section 4, below.

### **SECTION 4 -SPECIAL PERMISSION**

Special permission may be granted to persons, firms, or corporations, for the purchase of fireworks as described in Section 1 , above and their use at a public gathering provided an application is filed with the Town Clerk setting forth the name of the applicant and the time and place of the exhibition and all requirements of Wisconsin Statutes Section 167.10 are met. The Town Clerk shall forthwith notify the Chief of the Town Fire Department of such application for special permission to use fireworks, and the Town Fire Chief on being satisfied that the applicant will use the fireworks in a public exhibition, and being further satisfied that all reasonable precautions will be exercised with regard to protection of the lives and property of all persons, may issue a permit which shall permit the use of fireworks at the time and place and in the manner acted out in the application.

### **SECTION 5 -NON-EXCLUSIVITY**

#### A. OTHER ORDINANCE

Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

#### B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

#### SECTION 6 -SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Adopted: 1998



5.5 Junk (RESERVED)

## 5.6 Trees and Shrubs (RESERVED)

## 5.7 Parks and Recreation (RESERVED)

## 5.8 Property Maintenance (RESERVED)

## 5.9 Nuisances

**AN ORDINANCE TO AMEND TOWN OF CALEDONIA CODIFIED ORDINANCES SECTION  
5.9 NUISANCES, PUBLIC NUISANCES (D)(vii)(a) TO PROHIBIT THE USE OF  
COMPRESSION BRAKES IN THE COMMUNITIES OF READFIELD AND NORTH  
READFIELD - ORD# 2016-02-01**

**WHEREAS;** a number of residents living in the area or the communities of Readfield and North Readfield within the Town of Caledonia, Waupaca County, Wisconsin, have brought to the attention of the town board a matter concerning the use of compression brakes (aka engine or jake brakes) on local roadways causing extremely obnoxious loud noise and vibrations within their homes; and

**WHEREAS;** the Wisconsin Department of Transportation supports local townships to prohibit the use of compression brakes; and

**WHEREAS;** a memorandum of understanding with the Waupaca County Sheriff concerning prosecution costs to enforce this ordinance has been issued by the Town of Caledonia Town Board; and

**WHEREAS;** the Waupaca County Sheriff's Office has agreed to enforce a "no compression brake" ordinance;

**NOW THEREFORE BE IT ORDERED** by the **TOWN OF CALEDONIA TOWN BOARD** to hereby amend the Town of Caledonia, Waupaca County Codified Ordinance Section 5.9(D)vii) to add:

- (a) *Prohibits the use of any motor vehicle brakes activated or operated by the compression of the engine, often referred to as compression brakes, in the communities of Readfield and North Readfield, Town of Caledonia, Waupaca County, Wisconsin, on State Road 96 and County Road W as posted, except in cases of emergency.*

(ORD #2016-02-01 added 02/2016)

**ADOPTED THIS 15<sup>th</sup> day of February, 2016**

## **PUBLIC NUISANCES PROHIBITED**

### **SECTION 1 -PUBLIC NUISANCES PROHIBITED**

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

### **SECTION 2 -DEFINITIONS**

#### **A. PUBLIC NUISANCE**

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (i) Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public.
- (ii) In any way render the public insecure in life or in the use of property.
- (iii) Greatly offend the public morals or decency.
- (iv) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

#### **B. PUBLIC NUISANCES AFFECTING HEALTH**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of sub.

- (i) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (ii) Carcasses of animals, birds of fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (iii) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (iv) All stagnant water in which mosquitoes, flies or other insects can multiply.
- (v) Privy vaults and garbage cans which are not fly-tight.
- (vi) All noxious weeds and other rank growth of vegetation.
- (vii) All animals running at large.
- (viii) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Town.
- (ix) The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (x) Any use of property, substances or things within the Town of Caledonia, other than the use of property, substances or things associated with normal and customary agricultural, farming or agribusiness activities, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- (xi) All abandoned wells not securely covered or secured from public use.

- (xii) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- (xiii) Sewage waste, contaminated soil, and animal waste not disposed of in accordance with State law or which poses a threat to health.

#### C. PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of sub. (1) of this section.

- (i) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (ii) All gambling devices and slot machines.
- (iii) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town of Caledonia.
- (iv) Any place or premises within the Town of Caledonia where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (v) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

#### D. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of sub. (1) of this section.

- (i) All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.
- (ii) All trees, hedges, or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (iii) All limbs of trees which project above the surface of a public sidewalk or street or above any other public place shall be kept trimmed to a reasonable height to allow for safe use and passage.
- (iv) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town, and except as allowed by Town permit.
- (v) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (vi) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (vii) All loud, discordant and unnecessary noises or vibrations of any kind.
- (viii) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.



(ix) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.

(x) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(xi) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

(xii) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(xiii) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

### SECTION 3 -STORAGE OF FLAMMABLE LIQUIDS

Any violation of the Ordinances of the Town of Caledonia and the laws of the State of Wisconsin, and the Administrative Code of the State of Wisconsin, adopted by reference under the Town of Caledonia Municipal Code, particularly but without limitation Flammable Liquids Code (Wis.) Wis. Adm. Code, Chapter Ind. 8, as relates to the storage of flammable liquids, etc.

### SECTION 4 -TREE TRIMMING AND SANITATION

Whenever the following words or terms are used in this section, they shall be construed to have the following meanings:

(i) Person. "Person" shall mean person, firm, association or corporation.

(ii) Public Areas. "Public Areas" includes all public parks and other lands owned, controlled or leased by the Town except the terrace areas.

(iii) Public Trees and Shrubs. "Public Trees and Shrubs" means all trees and shrubs located or to be planted in or upon public areas.

(iv) Public Nuisance. "Public Nuisance" means any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.

(v) Boulevard or Terrace Areas. "Boulevard or Terrace Areas" means the land between the normal location of the street curbing, edge of the street and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall have the same meaning as "terrace". Where there are only sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.

(vi) Major Alteration. Trimming a tree beyond necessary trimming to comply with this Chapter.

(vii) Shrubs. "Shrubs" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.

(viii) Tree. "Tree" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.

(ix) Evergreen Tree. "Evergreen Tree" shall mean any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.

(x) Forester. Person designated by the Town Board as authorized to carry out provisions of this Chapter.

### A. AUTHORITY OF TOWN BOARD TO ENTER PRIVATE PREMISES

The Town Board shall serve as Town Forester and shall carry out the provisions of this Chapter.

(i) The Town Forester or his/her authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter. ;

#### B. INTERFERENCE WITH THE TOWN FORESTER PROHIBITED

No person shall interfere with the Town Forester or his/her authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

#### C. ASSESSMENT OF COSTS OF ABATEMENT

(i) The entire cost of abating any public nuisance, spraying trees or trimming trees located on public property shall be borne by the Town.

(ii) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located.

#### D. TRIMMING

(i) Trees and shrubs standing in or upon any boulevard, public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. Such trimming may only be done by Town employees or authorized persons under contract with the Town. The Town Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.

(ii) The necessity of the pruning may be determined by the Town Forester.

(iv) Clearance from sidewalk to lower branches shall not be less than eight (8) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.

#### E. TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS

(i) Obstruction by Trees, Shrubs, Fences, Walls, Signs or Other Structures.

(a) Prohibited Obstructions. No person shall maintain trees, shrubs, fences, walls, signs and other structures in the vision control area which obstruct the necessary view of the driver of a motor vehicle on a public street or private driveway or which interfere with the driver's control. The vision control area is defined as that part of a corner lot extended twenty-five (25) feet from the inside of the sidewalk like along an existing sidewalk extended or a proposed one. In said vision control area, fences, walls, signs or other structures shall not exceed three (3) feet in height measured from the top of the sidewalk and must be two-thirds (2/3) open to vision equally distributed throughout the vision control area. In the vision area, trees and shrubs shall be maintained to provide unobstructed vision from two and one-half (2-1/2 feet) above the centerline of the abutting pavement to ten (10) feet above the said centerline elevation.

(b) Duties of Town Board. It shall be the duty of the Town Board or its representative to enforce this Section by appropriate order giving the offending party thirty (30) days to remove or correct the situation. Said order shall be served by certified mail. Where the home is in joint tenancy, service of one (1) of the homeowners shall be presumed service on the other.

(c) Appeals of Orders of the Forester. All appeals of orders issued by the Highway Superintendent shall be made within fifteen (15) days of the service of the order and shall be addressed to the Town Clerk and the matter heard by the Town Board.

- (ii) Other Obstructions. It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery, or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Town;
- (iii) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Town Forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or occupant fails within ten (10) days of receipt of notice, to take such necessary steps, the Highway Superintendent shall order the Town employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.
- (iv) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Forester as specified in Subsection (iii) above shall, upon conviction thereof, be subject to a forfeiture as established in Chapter 8 of the Town code.

#### F. PROHIBITED ACTS

- (i) Damage to Public Trees. No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Town Forester in the case of a terrace-area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
- (a) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
  - (b) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
  - (c) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.
  - (d) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of public tree or shrub designed to permit access of air, water and fertilizer.
  - (e) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree; except that the Town may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
  - (f) Cause or encourage any fire or burning near or around any tree.
- (ii) Excavations. All trees on any parkway or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the Town Forester.
- (iii) Refusal to Abate Nuisance. Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

#### G. APPEAL FROM DETERMINATIONS OR ORDERS

Any person who receives a determination or order under this Chapter from the Town Forester and objects to all or any part thereof shall have the right to appeal such determination or order to the Town Board within seven (7) days of receipt of the order and the Town Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Town Board may

reverse, affirm or modify the order or determination appealed from the grounds for its decision shall be stated in writing. The Town Board shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Town Board shall file its written decision with the Town Clerk.

#### H. ADOPTION OF STATE STATUTES

Sections 27.09 and 86:03, Wis. Stats., are hereby adopted and incorporated herein by reference. State Law Reference: Sections 27.09 and 86.03, Wis. Stats.

#### SECTION 5 -REGULATING DEPOSITING OF SNOW ON PUBLIC RIGHT-OF-WAYS

- (i) No person shall remove or cause to be removed any snow 'or ice from a premises owned or occupied by that person or from any residence, parking lot, parking area, filling station, business property or other property owned or occupied by said person by placing the said snow unto any public right-of-way or property. Snow removed from public walks shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement or access.
- (ii) . The deposit of any snow or ice upon any sidewalk, alley or road or street of the Town of Caledonia contrary to the provisions of this Chapter is hereby made to be a nuisance and in addition to the penalty provided for the violation of this Section, the Town of Caledonia may summarily remove any snow or ice so deposited and cause the cost of the said removal to be charged to the owner of the property from which the said snow or ice has been removed and upon failure to pay the same said may be charged as a special assessment upon the tax bill to the owner of property from which the snow or ice removal was necessitated.
- (iii) The penalty for violation of the above entitled Section shall be governed by the penalty for Chapter 8 within which the regulation is placed.

#### SECTION 6 -ABANDONED OR UNATTENDED ICE BOXES OR OTHER CONTAINERS PROHIBITED

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or cover which has not been removed or which is not equipped with a device for opening from the inside.

#### SECTION 7 -OPEN CISTERNS. WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATING PROHIBITED

No person shall have or permit on any premise owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced, in such manner as to prevent injury to any person and any cover shall be of design, size and weight that the same cannot be removed by small children.

#### SECTION 8 -COVERED HAULING TO DUMP SITE

No person shall transport or haul to any dumping site in the Town any materials without covering the same as provided under this Code regulating Solid Waste Disposal Sites.

#### SECTION 9 -ABATEMENT OF PUBLIC NUISANCES

##### A. INSPECTION OF PREMISES

Whenever complaint is made to the Town Board that a public nuisance exists within the Town of Caledonia, they shall promptly notify the Town Board, Constable, County Sheriff's Department or Building Inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of their findings to the Town Board. Whenever practicable, the inspecting

officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

#### B. SUMMARY ABATEMENT

(i) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Board may direct the Town Constable or County Sheriff to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(ii) Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Building Inspector, in case of health nuisances, and the Town Constable or County Sheriff, in other cases, shall cause the abatement or removal of such public nuisances.

#### C. ABATEMENT BY COURT ACTION

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of his/her findings with the Town Board which shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Waupaca County, in accordance with the provisions of Chapter 280 of the Wisconsin Statutes.

#### D. OTHER METHODS NOT EXCLUDED

Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Caledonia or its officials in accordance with the laws of the State of Wisconsin.

#### SECTION 10-COST OF ABATEMENT

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

#### SECTION 11 -PENALTY

Any person who shall violate any provision of this Chapter shall upon due conviction thereof forfeit not less than \$50.00 nor more than \$300.00 for each such offense together with the costs of prosecution, and in default of the payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid but not to exceed thirty (30) days.

#### SECTION 12 -NONEXCLUSIVITY

##### A. OTHER ORDINANCE

Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

##### B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

#### SECTION 13 -SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Adopted: Series of 1998

## 5.10 Emergency Services (RESERVED)

## 5.11 Community Center Use & Rental



## TITLE VI: BUSINESS REGULATIONS

## 6.1 Transient Merchants

## **REGULATION OF TRANSIENT MERCHANTS**

### **SECTION 1 -REGISTRATION REQUIRED**

It shall be unlawful for any transient merchant to engage in sales within the Town of Caledonia without first obtaining a permit from the Town and being registered for that purpose as provided herein.

### **SECTION 2 -DEFINITIONS**

In this ordinance:

A. "Transient merchant" means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

B. "Permanent merchant" means any person who, for at least six months prior to the consideration of the application of this ordinance to said merchant a) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale or b) has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

C. "Merchandise" shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

D. "Charitable organization" shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.

E. "Clerk" shall mean the Town Clerk.

### **SECTION 3 -EXEMPTIONS**

The following shall be exempt from all provisions of this ordinance:

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- B. Any person selling merchandise at wholesale to dealers in such merchandise;
- C. Any person selling agricultural products which the person has grown;
- D. Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- E. Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;
- F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;

H. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under sec. 440.441, Stats. Any charitable organization engaging in the sale of merchandise and not registered under sec. 440.41, Stats., or which is exempt from that statute's registration requirements, shall be required to register under this ordinance;

J. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she has conducted business in the market area for at least six months prior to the date the complaint was made;

K. Any individual licensed by an examining board as defined in s. 15.01 (7), Wisconsin Statutes.

L. This ordinance does not apply to transient merchants while doing business at special events authorized by the Town Board.

#### SECTION 4 -REGISTRATION

A. Applicants for a permit and registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

- (i) Name, permanent address and telephone number, and temporary address, if any;
- (ii) Age, height, weight, color or hair and eyes;
- (iii) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
- (iv) Temporary address and telephone number from which business will be conducted, if any;
- (v) Nature of business to be conducted and a brief description of the merchandise, and any services offered;
- (vi) Proposed methods of delivery of merchandise, if applicable;
- (vii) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
- (viii) Most recent cities, villages, towns, not to exceed three, where applicant conducted his/her business;
- (ix) Place where applicant can be contacted for at least seven days after leaving this town;
- (x) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.

B. Applicants shall present to the Clerk for examination:

- (i) A driver's license or some other proof of identity as may be reasonably required;
- (ii) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
- (iii) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application license is made.

C. At the time the permit application and registration is returned, a fee of \$20.00 shall be paid to the Clerk to cover the cost of processing said permit application and registration.

The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Sec. 5(b) below.

D. The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Sec. 4B above.

## SECTION 5 -REGULATION OF TRANSIENT MERCHANTS

### A. PROHIBITED PRACTICES

(i) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 P.M. and 9:00A.M. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(ii) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.

(iii) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(iv) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being heard outside a one-hundred foot radius of the source.

(v) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

### B. DISCLOSURE REQUIREMENTS

(i) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.

(ii) If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in sec. 423.203, Stats.; the seller shall give the buyer two copies

of a typed or printed notice of that fact. Such notices shall conform to the requirements of sec. 423.203(1)(a)(b) and (c), (2) and (3), Stats., as amended from time to time.

(iii) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

#### SECTION 6 -PENALTY

Any person adjudged in violation of any provision of this Ordinance shall forfeit not less than ten dollars nor more than one thousand dollars for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

#### SECTION 7 -NON-EXCLUSIVITY

##### A. OTHER ORDINANCE

Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

##### B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or( any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

#### SECTION 8 -SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions of applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

#### SECTION 9-EFFECTIVE DATE

This ordinance shall become effective upon its passage and publication as required pursuant to law.

Adopted: Series of 1998

## 6.2 Alcoholic Beverages & Licenses

**PROHIBITION ON LIVE, TOTALLY NUDE, NON-OBSCENE, EROTIC DANCING IN  
ESTABLISHMENTS  
LICENSED TO SELL ALCOHOL BEVERAGES**

WHEREAS, the Town Board of the Town of Caledonia, has explicit authority under sec. 125;1 0(1), Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in ch. 125, Stats., and

WHEREAS, the Town Board has authority under its general police powers set forth in sec. 60.22(3), Stats. to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and

WHEREAS, the Town Board recognizes it lacks authority to regulate obscenity in light of sec. 60.22(3), Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and

WHEREAS, bars and taverns featuring live totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and

WHEREAS, the Town Board recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

WHEREAS, however, the governing body is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the Town of Caledonia; and

WHEREAS, among these secondary effects are: (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist, (c) health risks associated with the spread of sexually transmitted diseases, and (d) the potential for infiltration by organized crime for the purpose of unlawful conduct; and

WHEREAS, the governing body desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Town of Caledonia; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and

WHEREAS, the governing body has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity,



The Town Board of the Town of Caledonia do ordain as follows:

#### SECTION 1. NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.

It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or

Shows any portion of the female breast below a point immediately above the top of the areola; or Shows the covered male genitals in a discernibly turgid state.

#### SECTION 2. EXEMPTIONS.

The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

#### SECTION 3. DEFINITIONS.

For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Town Board of the Town of Caledonia to sell alcohol beverages pursuant to ch. 125, Stats. The term "licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A", or "Class C" license granted by the Town Board of the Town of Caledonia pursuant to Ch. 125, Stats.

#### SECTION 4. SEVERABILITY.

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Adopted October 12, 1998

### 6.3 Retail & Operators Licenses

**AUTHORITY TO TOWN CLERK TO ISSUE  
PROVISIONAL RETAIL AND OPERATOR'S LICENSES**

WHEREAS, Section 125.185, Wis. stats, requires a municipal body to issue provisional liquor licenses, and Section 125.17(5) requires a municipal body to issue provisional operator's licenses and the town board has determined that it needs to authorize the town clerk to issue these licenses in case of need.

THEREFORE BE IT RESOVED by the Town Board of the Town of Caledonia, Waupaca County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and declares as follows:

The town clerk is hereby authorized to issue and revoke provisional liquor and operating licenses subject to Section 125.185 and 125.17(5), Wis. Stats., which licenses shall expire at the end of 60 days from the date of issuance and be subject to a \$15.00 fee or as detailed in Appendix A. The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. Stats.

Adopted May 17, 2010

## 6.4 Public Adult Entertainment

## **PUBLIC ADULT ENTERTAINMENT**

WHEREAS, the Town Board has determined that the certain activities defined and regulated hereinafter are detrimental to the public health, safety, morals and general welfare when carried out in close proximity to schools, residences and churches and certain of those activities are detrimental to the public health, safety, morals and general welfare when carried out in the Town; and

WHEREAS, the Town Board finds that certain forms of public nudity not presented in conjunction with the sale of alcohol beverages, promote prostitution, crime, other illegal activities, and degrade the quality of the Town's residential, school and church environments when carried out in close proximity to residences, schools and churches; and

WHEREAS, the Town Board intends to regulate conduct as set forth hereinafter for the purposes of discouraging such illegal activity, reducing the need to expend law enforcement resources, and protecting the quality of the residential, school and church environments without interfering with the free exchange and expression of ideas; and

WHEREAS, the Town Board of Supervisors believes that this Ordinance needs to be enacted to ensure that such public adult entertainment is strictly regulated by the Town Board of Supervisors; and

WHEREAS, the Town Board of Supervisors recognizes that certain types of public adult entertainment constitutes free speech, but the Town Board of Supervisors believes that the strict regulation of free speech is in the public interest of the residents of the Town of Caledonia.

NOW, THEREFORE, the Town Board of Supervisors of the Town of Caledonia, Waupaca County, Wisconsin, do ordain as follows:

### **SECTION 1 -DEFINITION OF PUBLIC ADULT ENTERTAINMENT**

"Public Adult Entertainment" is defined as any of those activities listed within subsections A through J below:

#### **A. ADULT BOOKSTORE**

An establishment having as a substantial or significant portion of its stock and trade in books, magazine or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

#### **B. ADULT MOTION PICTURE THEATER**

An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons.

#### **C. ADULT MOTION PICTURE THEATER (OUTDOOR)**

A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas".

#### **D. ADULT MINI MOTION PICTURE THEATER**

An enclosed building with a capacity for less than fifty (50) persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined here for observation by patrons therein.

#### E. ADULT BATH HOUSES

An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities" as defined in this ordinance.

#### F. ADULT MASSAGE PARLORS

An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.

#### G. ADULT MODELING STUDIOS

An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photograph, painting, sketching, drawing, or otherwise.

#### H. ADULT BODY PAINTING STUDIOS

An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.

#### I. ADULT CABARET

An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

#### J. ADULT NOVELTY SHOP

An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or design for, specified sexual activity as defined herein or simulating such activity.

For purposes of this ordinance, "specified anatomical areas" shall mean any portion of breasts, pubic area, anus, cleft of the buttocks, vulva, or genitals, male or female.

### SECTION 2 -PUBLIC ADULT ENTERTAINMENT -APPLICATION

Prior to the operation of any of the public adult entertainment businesses defined in Section 1 above, the proposed owner/operator of such business must submit written application to the Town Board of Supervisors for a permit to engage in such business. Any such permit shall be a conditional use or a special use permit, and prior to issuance must go through all conditional use or special use permit procedures required by Waupaca County, and no such permit shall be granted in an area zoned other than "service commercial". A nominal filing fee may accompany such application, to be imposed at the discretion of the Town Board of Supervisors. Included in such application for an adult entertainment permit shall be a specific description of the type of business to be operated, the proposed services or products to be disseminated, as well as a specific description of the physical plant in which any such

business is proposed to be operated. In approving any such application, the following standards shall be specifically applied by the Town Board of Supervisors:

- A. No public adult entertainment permit shall be issued for any property within Two Thousand (2,000) feet of any land used or zoned for residential purposes.
- B. No public adult entertainment permit shall be issued for any property within Two Thousand (2,000) feet of any property used or zoned for church or school purposes.
- C. No portable signs or billboards shall be permitted on the premises.
- D. There shall be no flashing or traveling lights located on the building proposed to house such business operation.
- E. Adequate parking shall be provided in a fully lighted area.
- F. There shall be no display windows on the premises.
- G. The owner/operator of the proposed establishment agrees to comply with all state, federal, and local laws and ordinances, and shall ensure that minors are not permitted on the premises at any times.
- H. The owner/operator agrees that the solicitation for purposes of prostitution on the premises shall be strictly prohibited.
- I. The hours of operation of any such establishment shall be established by the Town Board of Supervisors in their sole and exclusive discretion.
- J. The owner/operator of any such business agrees to personally appear before the Town Board of Supervisors at the time such application is made, and at all times in the future, upon reasonable notice provided by the Town Board of Supervisors. For purposes of this ordinance, reasonable notice shall be interpreted as Seventy-Two (72) hours, and notice shall be provided to the mailing address of the premises upon which the business is located.

### SECTION 3 -REGISTRATION OF EMPLOYEES

In the event that a public adult entertainment is established, any employee of such business shall register with the Town Clerk prior to providing any work related services at said public adult entertainment establishment. Registration with the Town Clerk shall be through a form promulgated by the Town Board of Supervisors, consisting of background personal information regarding each such employee. It shall be in the discretion of the Town Board of Supervisors whether or not to charge a registration fee for each such employee.

### SECTION 4 -TYPES OF CONDUCT PROHIBITED

The following types of conduct on public adult entertainment premises referred to in Section 1 above are prohibited:

- A. SPECIFIED SEXUAL ACTIVITIES (defined):
  - 1. Display of human genitals in a state of sexual stimulation of arousal.
  - 2. Acts or representations of acts of human masturbation, sexual intercourse of sodomy, bestiality, oral copulation, or flagellation.

3. Fondling or erotic touching of human genitals, pubic region, buttocks or the female breast.
4. Excretory functions as part of or in connection with any activities set forth in 1) through 3) above.

#### B. SEXUALCONTACT

Sexual contact means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desires of either party.

#### C. SIMULATION

The actual or simulated display of the pubic hair, anus, vulva, or genitals.

#### D. CERTAIN PERFORMANCES AND COSTUMES PROHIBITED

No permittee either personally or through his agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers whether such dancers, performers or entertainers are employed by the permittee that does not meet the following wearing apparel standards when performing or when present upon the premises.

1. That portion of every costume to be worn by dancers, performers or entertainers covered by the provisions of this subsection and which relates to the area of the sex organs herein defined as the pubic area and buttocks shall be of nontransparent material.
2. The lower portion of the costume to be worn by a female dancer, performer or entertainer, or female impersonator, shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic area and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this ordinance.
3. The lower portion of the costume worn by a male dancer, performer, or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic area, sex organs and the cleavage of the buttocks at all times. The display of the male genitals in a turgid state, whether covered or uncovered, shall constitute a violation of this ordinance.
4. Exemptions: Subsections D-1 through D-3 shall not apply to the following public adult entertainment establishments if such an establishment obtains a special or condition use permit under this ordinance: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or advertising or promotion of, employees engaging in nude erotic dancing.

#### SECTION 5 -DISORDERLY CONDUCT BY PATRONS PROHIBITED

No permittee of a business where any activity prohibited by this ordinance occurs, be it personally or through his agent or employee, or person sponsoring such activities, shall permit any patron to participate in any act, stunt or dance in violation of the provisions of this section.

#### SECTION 6-WHO MAY BE IN VIOLATION OF THE ORDINANCE



The prohibitions contained in this ordinance are directed and prosecution may be directed against a permittee under this ordinance or any agent, employee or manager, the entertainer, his or her agent or employer, or patrons.

#### SECTION 7 -SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions of application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

#### SECTION 8 -EFFECTIVE DATE

This ordinance shall become effective upon its passage and publication as required pursuant to law.

Adopted October 12, 1998

TITLE VII: GENERAL OFFENSES

## 7.1 Offenses & Citations

## ISSUANCE OF CITATIONS FOR VIOLATIONS OF TOWN ORDINANCES

### SECTION 1 -STATUTORY AUTHORITY

Pursuant to Section 66.119 of Wisconsin Statutes, the Town Board hereby elects to use the citation method of enforcement of Town ordinances described herein, or in a separate ordinance, including those for which a statutory counterpart exists.

### SECTION 2 -FORM OF CITATION

The citation shall contain the following:

- a) The name and address of the alleged violator;
- b) The factual allegations describing the alleged violation;
- c) The time and place of the offense;
- d) The section of the ordinance violated;
- e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so; f) The time at which the alleged violator may appear in court;
- g) A statement which in essence informs the alleged violator:
  1. That a cash deposit based on the schedule established by this or other town ordinance may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
  2. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
  3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty assessment, or if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
  4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgment, or an action may be commenced to collect the forfeiture.
- h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under "g" above has been read. Such statement shall be sent or brought with the cash deposit;
- i) A statement that if the court finds that the violation involves an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered.
- j) Such other information as the town deems necessary.

### SECTION 3 -SCHEDULE OF DEPOSITS

The following schedule of cash deposits is established for use with citations issued under this ordinance.

<b>ORDINANCE TITLE</b>	<b>OFFENSE</b>	<b>DEPOSITS &amp; COSTS</b>
Public Nuisance Ordinance No. 1	Violation	\$250.00 plus current court costs
Regulation of Transient Merchants Ordinance No. 2	Violation	\$250.00 plus current court costs
Dog Licensing and Control Ordinance No. 3	Violation	\$250.00 plus current court costs
Sale and Regulation of Fireworks Ordinance No. 4	Violation	\$250.00 plus current court costs
Regulation of Public Adult Entertainment Ordinance No. 5	Violation	\$250.00 plus current court costs
Prohibition On Live, Totally Nude, Non-Obscene, Erotic Dancing in Establishments Licensed to Sell -- -Alcohol Beverages Ordinance No. 6	Violation	\$250.00 plus current court costs

Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court who shall provide a receipt therefor.

**SECTION 4 -ISSUANCE OF CITATION**

The following officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities.

<b>ORDINANCE TITLE</b>	<b>ENFORCEMENT OFFICIAL</b>
Public Nuisance Ordinance	Town Board, Its Designee or any County Sheriff's Department Officer
Regulation of Transient Merchants Ordinance	Town Board, Its Designee or any County Sheriff's Department Officer
Dog Licensing and Control Ordinance	Town Board, Its Designee or any County Sheriff's Department Officer
Sale and Regulation of Fireworks Ordinance	Town Board, Its Designee or any County Sheriff's Department Officer
Regulation of Public Adult Entertainment Ordinance	Town Board, Its Designee or any County Sheriff's Department Officer
Prohibition On Live, Totally Nude, Non- Obscene, Erotic Dancing in Establishments Licensed to Sell Alcohol Beverages Ordinance	Town Board, Its Designee or any County Sheriff's Department Officer

## SECTION 5 -PROCEDURE

Section 66.119(3) Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

## SECTION 6 -NONEXCLUSIVITY

### A. OTHER ORDINANCE

Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

### B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

## SECTION 7 -SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

## SECTION 8 -EFFECTIVE DATE

Adopted Series of 1998

## TITLE VIII: LAND USE

## 8.1 Comprehensive Planning



**ADOPTION OF THE TOWN OF CALEDONIA YEAR 2030  
COMPREHENSIVE PLAN**

The Town Board of the Town of Caledonia, Waupaca County, Wisconsin, does ordain as follows:

SECTION 1. Pursuant to sections 60.22(3) and 62.23(2) and (3), Wisconsin Statutes, the Town of Caledonia is authorized to prepare and adopt a comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2), Wisconsin Statutes.

SECTION 2. The Town Board of the Town of Caledonia has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a), Wisconsin Statutes.

SECTION 3. The Town of Caledonia Plan Commission, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the document entitled "Town of Caledonia Year 2030 Comprehensive Plan " containing all of the elements specified in section 66.1001 (2), Wisconsin Statutes.

SECTION 4. The Town of Caledonia has provided numerous opportunities for public involvement in accordance with the Public Participation and Education Plan adopted by the Town Board and Waupaca County Board including public informational meetings, open Plan Commission/Committee meetings, public opinion surveys, news releases, newsletters, a slogan contest, and a planning process web site. A public hearing was held on May 7, 2007, in compliance with the requirements of Section 66.1001(4), Wisconsin Statutes.

SECTION 5. The Town Board of the Town of Caledonia does, by the enactment of this ordinance, formally adopt the two documents composing the "Town of Caledonia Year 2030 Comprehensive Plan" (including the "Plan Recommendations Report" and the "Inventory and Trends Report") pursuant to Section 66.1001 (4)(c), Wisconsin Statutes.

SECTION 6. This ordinance shall take effect upon passage by a majority vote of the member select of the Town Board and publication/posting as required by law.

Adopted: June 18, 2007

**ORDINANCE ADOPTING AN AMENDMENT TO THE TOWN OF CALEDONIA YEAR 2030  
COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATION OF LAND LOCATED  
AT E9001 GORGES ROAD**

The Town Board of Caledonia, Waupaca County, Wisconsin, do ordain as follows:

**SECTION 1** Pursuant to Section(s) 60.22(3) of the Wisconsin Statutes, the Town of Caledonia, Waupaca, Wisconsin is authorized to prepare and adopt a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

**SECTION 2** The Town Board, by the enactment of an ordinance, formally adopted the document titled **TOWN OF CALEDONIA YEAR 2030 COMPREHENSIVE PLAN** as the Town of Caledonia, Waupaca County Wisconsin, comprehensive plan on June 18, 2007.

**SECTION 3** The Plan Commission, by a majority vote of the entire Commission at a meeting held on April 1, 2015, recommended to the Town Board the adoption of an amendment to change the land use designation of a parcel of land located at E9001 Gorges Rd, Tax Parcel No. 02-11-31-2, a land parcel as described and mapped on attached Exhibit A from Rural Residential (RR) to Agriculture and Woodland Transition (AWT) on the future land use map adopted as part of the comprehensive plan.

**SECTION 4** The Town did publish and post a Class I Public Notice in the Waupaca County Post Newspaper at least 30 days prior to the public hearing which was held on May 18, 2015 at 7:00 PM at the Town of Caledonia Community Center located at E8191 State Road 96 regarding this comprehensive plan amendment.

**SECTION 5** The Town Board of Town of Caledonia, Waupaca, Wisconsin hereby adopts the proposed plan amendment.

**SECTION 6** The Town of Caledonia Clerk is directed to send a copy of this ordinance and the plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

**SECTION 7** This Ordinance shall take effect upon passage by a majority vote of the full membership of the Town of Caledonia Town Board and posting as required by law.

**ADOPTED THIS 18th DAY OF MAY, 2015**

## 8.2 Building Regulations

## **BUILDING INFORMATION PERMIT ORDINANCE**

### **SECTION 1 -TITLE AND PURPOSE**

The title of this ordinance is hereby amended to be the **Town of Caledonia Building Information Permit Ordinance**. The purpose of this amended ordinance is for the Town to: a) regulate the construction, reconstruction, remodeling, removal, or demolition of all buildings and structures after the effective date of this ordinance, and b) obtain information regarding the type, size, and location.

### **SECTION 2 -AUTHORITY**

The town board of the town has the authority under s. 60.61, Wis. Statutes, and general authority under its village powers under s. 60.22, Wis. Statutes, to adopt this ordinance.

### **SECTION 3 -DEFINITIONS**

In this ordinance:

A. "Building" means any building or structure and any installation constructed, reconstructed, or remodeled, enlarged, altered, removed, or demolished for any use within the town, including but not limited to one-and two-family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, and outbuildings.

B. "Owner" means any person having a legal or equitable interest in a building. "Owner" does not include any person whose legal or equitable interest in a building is a security interest derived solely from the extension of credit to permit construction or remodeling of the building or purchase of the building by a third party.

C. "Town" means the Town of Caledonia, Waupaca County, Wisconsin, and includes the town's officers, employees, and agents when appropriate, including the Building Inspector.

D. "Town board" means the Board of Supervisors for the Town of Caledonia, or any person designated to act for the town board.

E. "Town clerk" means the Clerk of the Town of Caledonia, or his or her deputy or agent.

F. "Wis. stats." means the Wisconsin Statutes, including successor provisions.

G. "Camping unit" means any portable device , no more than 400 square feet in area, used in the Town as a temporary or seasonal dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

H. "One-or 2-family dwelling unit" means any building that contains one or 2 dwelling units.

I. "Temporary or seasonal dwelling" means any dwelling, cabin, shack, cottage, manufactured home, manufactured dwelling, mobile home, camping unit, or similar structure constructed, installed, parked, or maintained on a parcel of land in the Town for temporary or seasonal human habitation, sleeping, lodging, shelter, or living quarters for recreational, camping, hunting, fishing, or travel on a temporary or seasonal basis.

### **SECTION 4-WISCONSIN UNIFORM DWELLING CODE INCORPORATED BY REFERENCE**

Whereas the Wisconsin Uniform Dwelling Code, Chapters Comm. 20-25 of the Wisconsin Administrative Code, and all amendments thereto , was previously adopted by the Town, is incorporated by reference in this ordinance and shall apply to all buildings and activities within the scope of this ordinance.

### **SECTION 5-WAUPACA COUNTY ZONING CODE SECT. 21.12 INCORPORATED BY REFERENCE**

Section 21.12, Manufactured Homes, Mobile Homes and Parks, of the Waupaca County Zoning Ordinance, Chapter 34 of the General Code of Ordinances, is incorporated by reference into this ordinance.

## SECTION 6-BUILDING INSPECTOR

The Town Board may appoint a Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Wisconsin Department of Commerce, as specified by Wis. stats., Section 101.66(2), in all categories of the Uniform Building Code.

## SECTION 7 -REQUIREMENT FOR BUILDING INFORMATION PERMIT

The owner of any building or structure in the town, unless exempt under this ordinance, who constructs, installs, remodels, reconstructs, enlarges, alters, removes, or demolishes any building or structure within the town shall seek and obtain from the town a Town Building Information Permit prior to commencing, or causing the commencement of any construction, installation, remodeling, reconstruction, enlargement, altering, removing, or demolishing of any building.

## SECTION 8 -EXEMPTIONS FROM PERMIT REQUIREMENT

The requirement in Section 7 to obtain a Town Building Information Permit shall not apply to any of the following:

- A. Buildings or structures owned by the town.
- B. Additions, remodeling, reconstruction, enlargement, or alterations to buildings, when the cost of the work, including labor, shall be less than \$1,000.00 within a 12month period.
- C. The restoration or repair of building equipment, such as furnaces, central air conditions, water heaters, and similar mechanical equipment without the alteration or addition to the building or structure.
- D. Fences or other similar like enclosures.
- E. Camping units.

## SECTION 9 -OTHER REQUIREMENTS REMAIN APPLICABLE

The issuance of this Town Building Information Permit does not relieve the owner from any of the following:

- A. Obtaining any permit that may be required by any other state law or local ordinance, including but not limited to any of the following:
  - 1. County sanitary permits.
  - 2. Town, county, or state driveway permits.
  - 3. State one-and 2-family dwelling code permits.
  - 4. Any other applicable permit under town or county ordinance or state law.
- B. Complying with any other requirement, ordinance, or law, including, but not limited to, those governing zoning, subdivision, land division, setbacks and fencing.

## SECTION 10 -TOWN BUILDING PERMIT FORM, ISSUANCE, AND FEE

The town board is authorized to approve by resolution a Town Building Information Permit form, designate the person or persons authorized to issue the permits, and establish a fee schedule for issuance of the permits.

## SECTION 11 -PENALTIES

Any person that fails to comply with the provisions of this ordinance shall pay a forfeiture of not less than \$25 nor more than \$100, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

## SECTION 12-TIME LIMIT OF PERMITS

Building information permits shall lapse and be void unless building operations are commenced within 1 year from the date of issuance thereof, and completed within 2 years of the permit's issuance date. A permit may be renewed once by paying an additional \$10.00 fee. Any change in construction plans that would increase the value of the building would be subject to normal building information permit fees. However, only that portion above the previous estimate cost shall be subject to these fees, calculate at the appropriate rate.

#### SECTION 13-VARIANCES AND APPEALS

Any exceptions to the provisions of the Wisconsin Uniform Dwelling Code shall be subject to the requirements of Comm 20.19 of the Wisconsin Administrative Code.

#### SECTION 14 -SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Adopted October 20, 2008

### 8.3 Historic Preservation (RESERVED)

## 8.4 Land Division Ordinance



## LAND DIVISION ORDINANCE OF THE TOWN OF CALEDONIA MUNICIPAL CODE

### SECTION 1 – TITLE/PURPOSE

The Title of this Ordinance is the Town of Caledonia Land Division Ordinance.  
The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Caledonia, Waupaca County, Wisconsin and, in addition, to:

- A. Promote the public health, safety, and general welfare.
- B. Promote the planned and orderly layout and use of the land as identified in the Town's Comprehensive Plan
- C. Encourage the most appropriate use of the land throughout the Town.
- D. Ensure that the design of the road system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town.
- E. Conserve the value of prime agricultural soils in the Town.
- F. Enforce the goals and policies set forth in the Caledonia Town Comprehensive Plan
- G. Create reasonable rules and regulations governing the division and platting of land, the preparation of plats, and promote the proper monumenting of subdivided land and conveying by accurate legal description.

### SECTION 2 – AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Caledonia to. Wisconsin State Statutes 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45.

### SECTION 3 - ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of Caledonia. Pursuant to section 236.45 (4), Wisconsin Statutes, a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under Chapter 985, Wisconsin Statutes.

### SECTION 4 – DEFINITIONS

In this Ordinance, the following definitions shall apply:

- A. Agricultural Use as provided in section 91.01 (1), Wisconsin Statutes, means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- B. Certified survey or Certified Survey Map means a certified survey with the map of a minor land division of less than 40 acres into not more than four parcels prepared in

accordance with Section 236.34, Wisconsin Statutes and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat. All minor land divisions of less than 40 acres require a Certified Survey Map by a registered land surveyor.

C. Comprehensive Plan (also known as the Town Comprehensive Plan) means the Town of Caledonia—Year 2030 Comprehensive Plan, adopted by the Town Board of the Town of Caledonia on June 18, 2007, pursuant to sections 62.23, and 66.1001, Wisconsin Statutes.

D. Conservation Easement as provided in section 700.40, Wisconsin Statutes, means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in section 157.70 (1) (b), Wisconsin Statutes or preserving the historical, architectural, archaeological or cultural aspects of real property.

E. Easement is the legal right to use someone else's land for a specific purpose.

F. Land divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the land that is being divided or is proposed to be divided, resulting in a land division.

G. Land division means the division of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale, inclusive of the original remnant parcel, any of which is 40 acres or less in area, by a division or by successive divisions of any part of the original property within a period of 5 years, including a Minor Land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than 40 acres in size.

H. Land Use Plan means the Town of Caledonia Comprehensive Plan, concerning issues of land use in the Town as adopted under 66.1001, Wisconsin Statutes.

I. Lot means a parcel of not less than 2 acres or greater, but less than 40 acres, which is created by a land division, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.

J. Minor Land Division means any division of land of less than 40 acres in size, other than a subdivision as defined in the Waupaca County Subdivision Ordinance, Section 2.02, No. 69. Any residual parcel resulting from any division of land shall be included in the minor land division if said parcel is less than 40 acres in size. Note: This definition corresponds to the "Minor Subdivision" definition (2.02 Definitions) in Chapter 37, Waupaca County Subdivision Ordinance.

K. Outlot means a parcel of land not to be used for building purposes, so designated on the Plat or Certified Survey Map, which is any of the following: a) a parcel of land left over at the time of platting and is intended to be divided in the future; b) a platted parcel which does not meet the requirements of a lot at the time of platting; or c) a platted parcel which is intended for open space or other use and which is held in common ownership or which is transferred to a public agency or utility. Note: This definition corresponds to the "Outlot" definition (2.02 Definitions) in Chapter 37, Waupaca County Subdivision Ordinance.

L. Plat of Survey means a survey of existing physical boundaries as described on the deed and includes monuments found or set for the boundaries. The inclusion of easements and buildings, waterways, and other features is optional and agreed on by the client and surveyor. The Plat of Survey must be filed with the County Surveyor at the courthouse but is not recorded with the Register of Deeds because it is not changing any boundaries, lot lines, or parcels.

N. Sketch Plan means a conceptual layout of a proposed land division which is submitted to the Planning Commission for informal review and discussion before official review and recommendation take place. The sketch plan should illustrate existing parcel(s) and proposed changes.

O. Town means the Town of Caledonia, Waupaca County, Wisconsin.

P. Town Board means the Board of supervisors for the Town of Caledonia, Waupaca County, Wisconsin and includes designees of the board authorized to act for the board.

Q. Town Clerk means the clerk of the Town of Caledonia, Waupaca County, Wisconsin.

R. Town Planning Commission means the Town of Caledonia Planning Commission appointed by the Town Chair of the Town of Caledonia, Waupaca County, Wisconsin.

#### SECTION 5 – EXEMPTIONS

- A. The provisions of this Ordinance, as it applies to land divisions in the Town of Caledonia into less than 5 parcels, shall not apply to any of the following:
1. Transfers in interest in land by will or pursuant to court order.
  2. Leases for a term of not more than 10 years, mortgages, or easements.
  3. The sale or exchange of land between owners of adjoining property, including simple changes to the boundary between them, if: 1) additional lots are not thereby created, 2) each resulting lot is not reduced below the minimum size of 2 acres, and 3) resulting changes are not in non-conformance with other parts of the ordinance. Such boundary changes shall, however, be approved by the Waupaca County Planning & Zoning Director in accordance with Section 3.01, paragraph 4 (c) of the Waupaca County Subdivision Ordinance. The Town's Planning Commission shall be notified prior to initiating such boundary changes.
  4. Land divisions that result in 5 or more parcels, which are categorized as subdivisions and regulated under the Waupaca County Subdivision Ordinance.

- B. All of the following specific uses and activities are exempt from this ordinance:
1. Cemetery plats made under s. 157.07, Wisconsin Statutes.
  2. Assessor's plats made under s. 70.27, Wisconsin Statutes.

#### SECTION 6 – COVERAGE/COMPLIANCE

A. This Ordinance applies to all lands in the Town of Caledonia. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution another authority.

B. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of Caledonia subject to the requirements of this Ordinance and no land division, Certified Survey Map, or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Waupaca County

unless the final land division, plat, or map as approved by the Town Board is in full compliance with all requirements of this Ordinance.

C. When provisions of this Ordinance impose greater restrictions than items 1 through 8 below, it is intended that the provisions of this Ordinance shall apply.

1. Chapter 236, Wisconsin Statutes.

2. The Town of Caledonia Comprehensive Plan adopted under section 66.1001, Wisconsin Statutes, or other Town Land Use Plan or any component thereof.

3. The applicable Town of Caledonia, County of Waupaca zoning regulations, building code, sanitary code, erosion control regulations, and other land division ordinances.

4. State Department of Natural Resources administrative rules on wetlands, shore lands, sewers, septic systems, and pollution abatement.

5. All applicable State and local sanitary codes.

6. All other applicable Town of Caledonia Ordinances

7. All State Department of Transportation and County of Waupaca Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.

8. All applicable extraterritorial and comprehensive plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to section 62.23, Wisconsin Statutes, and any other applicable Waupaca County, or extraterritorial authority ordinances and regulations.

D. Fees for Planning Commission review of Land Divisions shall be established by the Town of Caledonia's fee schedule.

E. No land shall be divided nor any land division occur if any parcel, lot, or outlot created by the land division is smaller than 2 acres except for conservation or cluster subdivisions, as defined in the Waupaca County Subdivision Ordinance, Section 10. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable zoning regulations related to minimum lot sizes.

F. The division of any parcel in the Town of Caledonia that is located wholly or partially within a Shoreland Zoning District or a Floodplain District shall be governed by the Waupaca County Shoreland Zoning or Floodplain ordinances, except where the Town of Caledonia Land Division Ordinance is more restrictive. Such proposed land divisions shall be reviewed by the Planning Commission and approved the Town Board, in accordance with this ordinance, before receiving final approval from Waupaca County.

G. Any parcel in the Town of Caledonia, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with §59.692, §281.31, §236.45 Wisconsin Statutes, Chapter 703 Wisconsin Statutes, and any appropriate State Administrative Code provisions.

H. All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded.

I. Any outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the outlot.

J. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in

the Town of Caledonia in violation of this Ordinance, the Waupaca County Subdivision Ordinance, or the Wisconsin Statutes.

K. All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, the Department of Natural Resources, or other applicable state entities including any Statutory Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board.

L. All land divisions, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board shall be recorded in the Waupaca County Office of the Register of Deeds at the cost of the land divider. The recording of the final plat approval shall comply with §236.21 and §236.25 Wisconsin Statutes.

N. No persons shall make, record, or replat any land division, except as provided under §70.27(1) Wisconsin Statutes if it alters land dedicated to the public without proper Court action to vacate such plat, map, or part thereof.

O. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Caledonia, unless: 1) the land division was already recorded as of the effective date of this Ordinance or 2) until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.

P. Where other governing authorities, including the State, the County, or any extraterritorial municipal body (defined as a municipal body other than the Town of Caledonia) has the statutory or ordinance authority to approve or to object to any proposed land division and the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

## SECTION 7 – SPECIFIC COMPLIANCE PROVISIONS

A. All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water will be divided along these natural or constructed features if possible.

B. No land shall be issued a land division approval if the Town Board of the Town of Caledonia determines that any proposed land division plat, or Certified Survey Map will materially interfere or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Plan. The land division must be consistent with the Town Comprehensive Plan.

C. No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of;

- Flooding and/or inadequate drainage,
- dangerous or hazardous land conditions,
- adverse soil or rock formation,
- severe erosion potential,
- unfavorable topography,
- inadequate water supply or sewage disposal or maintenance capabilities,
- impairment of wildlife habitat and scenic vistas,
- improper utilization of prime farm soils,
- undue costs and inefficiencies in the provision of Town of Caledonia governmental services, or

- any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Caledonia, or likely to cause a public nuisance in the Town of Caledonia.

D. The Town Planning Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability. See County Ordinance Section 3.04.

E. No person shall be issued any land division approval by the Town of Caledonia who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Caledonia and the appropriate application fees have been paid to the Town Clerk.

F. If a land division occurs on a private road, the seller must inform the buyer that the road is not a public road and who is responsible for road maintenance. When new land division occurs on, or creates a private road, the private road must meet public road specifications.

G. The Town of Caledonia shall not be responsible, for any public improvements, and shall not be obligated to accept any dedicated streets, roads, parks, open space, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.

#### SECTION 8 – CERTIFIED SURVEY MAP

A. A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all minor land divisions that create any parcels, lots or outlots less than 40 acres in area and any other land divisions noted in §236.34 Wisconsin Statutes. After a recommendation from the Town Planning Commission, the Town of Caledonia shall comply with the ninety (90) day requirement in §236.34 Wisconsin Statutes for final approval, final approval on condition, or rejection by the Town Board.

B. The Certified Survey Map shall show the information required by §236.34 Wisconsin Statutes and listed in Section 7.01 “General Requirements” of the Waupaca County Subdivision Ordinance, Chapter 37.

C. The Certified Survey Map is entitled to final approval by the Town Board following a recommendation of the Town Planning Commission only if the Certified Survey Map, together with all required information and fee, is submitted within twelve (12) months of the Town Planning Commission’s recommendation, and it substantially conforms and is consistent with all of the following:

1. The Land Division Application, sketch map, and any other preliminary documents submitted by the land divider;
2. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance;
3. The adopted Town Comprehensive Plans or other applicable Town, County, or municipal land use plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances; and
4. All appropriate requirements for Certified Survey Maps and minor subdivisions as noted in this Ordinance.

#### SECTION 9 – MINOR LAND DIVISION AND BOUNDARY CHANGES: PLANNING COMMISSION REVIEW AND RECOMMENDATION AND TOWN BOARD APPROVAL

- A. Any division of land shall be surveyed, and a Certified Survey Map (CSM) shall be prepared and recorded as provided in §236.34 Wisconsin Statutes. Any proposed boundary change or minor land division shall follow the procedures described below for review and CSM approval. A boundary change requires only a plat of survey.
- B. Prior to filing an application for approval of a land division or boundary change, the applicant shall be required to have a preliminary consultation with the Town Planning Commission to become informed of the purpose and objectives of these regulations, Town Comprehensive Plan, other issues and regulations, and to otherwise receive assistance in the land division process. At the time of the consultation, the applicant shall supply a sketch plan of the proposed land division or boundary change.
- a. The applicant shall request to be placed on the Planning Commission agenda for the preliminary consultation.
  - b. The applicant shall provide (6) copies of a sketch plan, with sufficient scale and reasonable accuracy, of the land division and be prepared to discuss the following information:
    - i. Title, scale, north arrow, and date.
    - ii. Boundaries of the property being considered for division or boundary change.
    - iii. General soil conditions, seasonably wet areas, rock outcrops and areas with existing slopes of over 12 percent, including the general direction of the slope.
    - iv. Proposed filling, grading, and lagooning and dredging with a general indication of the finished grade and percentages of slopes over 10 percent.
    - v. Delineation of any periodically flooded areas, shorelines and high-water lines.
    - vi. Acreage and number of proposed lots, general lot layout showing proposed lot widths and depths, in accordance with relative zoning regulations.
    - vii. Land uses adjacent to proposed land division, proposed roads, easements, public access to navigable water, dedications, community facilities and utilities.
- C. Prior to the preparation of the Certified Survey Map, the land divider shall submit the proposed land division along with the information as noted below to the Town Planning Commission. The Town Planning Commission in its preliminary review shall take into consideration whether the proposed land division conforms to and is consistent with the following:
- a. consistency with the goals and objectives of the Town of Caledonia Comprehensive Plan.
  - b. the effect the minor land division would have on the development of surrounding property.
  - c. access to any abutting street or highway;
  - d. this Ordinance, Chapter 236 Wisconsin Statutes, the Town of Caledonia Comprehensive Plan, established street and highway width maps, official maps;
  - e. county zoning density requirements
  - f. adjacent or future highways;
  - g. schools;
  - h. other planned public developments;
  - i. analysis of soil types;
  - j. topography; and
  - k. erosion control and storm water management.

- D. Following the preliminary consultation, if the land divider wishes to proceed, a land division application shall be required to be submitted to the Town Planning Commission for the proposed land division.
- (1) The land division application (can be obtained from the Planning Commission, Town Clerk, or the Town's website) and submitted with the appropriate fee along with the following required information:
- a. The name and address of the owner of the property and the land divider.
  - b. The location and size of the property and the type of land division that is to be requested.
  - c. The names and addresses of all adjacent landowners.
  - d. A statement of intended use.
  - e. The name and address of the surveyor who will be doing the survey work.
  - f. The present use of the land.
  - g. The number and size of projected parcels, lots, or outlots upon a final land division.
  - h. Existing zoning and other land use controls on and adjacent to the proposed land division.
  - i. The requested timeline by the land divider for final approvals from the Town of Caledonia.
- (2) For the purpose of making a final recommendation to the Town Board, The Planning Commission shall review the land division application and preliminary version of the Certified Survey Map (CSM) at its next regularly scheduled meeting. The chair of the Planning Commission shall notify the applicant of the time and place of the meeting. The applicant shall provide six (6) copies of the Land Division Application and preliminary CSM for this meeting.
- (3) Failure of the land divider or designee to attend the meeting or provide a complete application may be used as grounds for the Town Planning Commission to recommend denial of any later requested approvals for the land division.
- (4) If the land division application includes all required items and meets town and county land division ordinances as well as state regulations, the Planning Commission can:
- i. recommend its approval to the Town of Caledonia Town Board;
  - ii. recommend approval with changes;
  - iii. recommend conditional approval subject to submission of additional required documentation or fee; or
  - iv. recommend rejection.
- (5) If time is of the essence for a pending sale of land, and sufficient information on the proposed land division or boundary change has been provided to the Town Planning Commission, the Commission may vote to recommend approval by the Town Board pending submission of the Land Division Application, review fee, or final Certified Survey Map.
- E. After *preliminary* minor land division and Certified Survey Map (CSM) approval has been recommended by the Town Planning Commission, the land divider may proceed to finalize the CSM in accordance with §236.34 Wisconsin Statutes.
- F. The land divider shall be required to dedicate any road right-of-way that the Town of Caledonia or Waupaca County deems necessary and shall be required to build any required roads to the appropriate standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the land divider.



- G. Upon recommendation by the Planning Commission, four (4) copies of the final Certified Survey Map, completed Land division Application form, and the necessary fee shall be submitted to the Town Clerk. Unless the time is extended by the Town Board, within ninety (90) days of the Planning Commission's formal recommendation to the Town Board and submission to the Town Clerk of the *proposed* Certified Survey Map, the Board shall approve, approve on condition, or reject the proposed Certified Survey Map as required in Section 8. If the minor land division and Certified Survey Map are approved, a Resolution to that effect shall be placed on the Certified Survey Map and signed by the Town Chair and Town Clerk. The approved certified survey map shall be submitted for approval by the Waupaca County Planning and Zoning Committee and then be recorded in the Waupaca County Office of the Register of Deeds.
- H. Any Minor Land Division shall meet the design standards noted in Section 10 of this ordinance.

## SECTION 10– DESIGN STANDARDS

Any Minor Land division or Statutory Subdivision shall meet the following design standards:

- A. Town Design Standards
  - 1. All parcels, outlots, or lots shall have frontage on a public street or public road. The Town Board may allow private streets if they deem them appropriate. Private streets shall only be allowed if no public road is anticipated or may connect to the private street.
  - 2. The land divider shall dedicate land for and to improve streets and roads in the Town of Caledonia as provided herein. Streets and roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
  - 3. Street and road locations shall be consistent with any applicable Town of Caledonia road plan or Town of Caledonia Comprehensive Plan officially adopted by the Town Board. Town road right-of-way widths, radii of curvature, and grades shall conform to the Town road standards in §86.26 Wisconsin Statutes.
  - 4. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
  - 5. Permanent dead-end streets, roads, or cul-de-sacs shall not be longer than 600 feet, shall have a minimum width of 28 feet, and terminate with a turn-around having an outside roadway diameter of at least 90 feet and a street or road property line of 120 feet.
- B. For all design standards for Minor Land division or Statutory Subdivisions, see Waupaca County Subdivision Ordinance Section 8.0.

## SECTION 11 – EASEMENTS

- A. For any land division the Town Board may require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 15 feet.
- B. The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.
- C. Private access easements for ingress and egress within any land division area shall be a minimum of 30 feet in width.

## SECTION 12 – COSTS OF APPLICATION REVIEW

A. All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by ordinance as set forth in the Town of Caledonia fee schedule.

B. All costs incurred by the Town Board or its agents to properly review each Land Division Application and/or boundary change shall be the responsibility of the land divider who shall pay the Town of Caledonia for all engineering, inspection, legal, and administrative costs (example, additional special meetings called on behalf of the applicant) incurred by the Town of Caledonia in reviewing the proposed land division plats and maps. The Town Board will require that all or a portion of the known costs of application approval and variance review be paid in advance.

## SECTION 13– VARIANCES

A. The Town Planning Commission and the Town Board may recommend variances to the County Board of Adjustment pursuant to Section 3.07 of the Waupaca County Subdivision Ordinance.

## SECTION 14 – VIOLATIONS

A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$100, plus any additional applicable costs incurred by the town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties include, but are not limited to, the following:

1. Recordation improperly made, carries penalties as provided in s. 236.30, Wisconsin Statutes.
2. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in s. 236.31, Wisconsin Statutes.
3. Survey monuments disturbed or not placed carries penalties as provided in s. 236.32, Wisconsin Statutes.

B. No person shall sell land in the Town of Caledonia in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels outlots, or lots are deemed to be a violation of this ordinance and legal action may be taken.

## SECTION 15 – INVALID OR UNCONSTITUTIONAL

If any provisions of this Ordinance are invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or its application.

## SECTION 16 – EFFECTIVE DATE

This ordinance is effective upon posting in accordance with Wisconsin State Statutes Chapter 60.80. This ordinance rescinds in its entirety and replaces Ordinance # 061906-1 dated and adopted on June 19, 2006 found in the Town of Caledonia Codified Ordinances Section VIII: Land Use; 8.4; Land Division Ordinance. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wisconsin Statutes.

Adoption: April 18, 2016

## 8.5 Land Development & Developers Agreements

**AN AMENDMENT TO DEVELOPER'S AGREEMENT BETWEEN WHWC, LLC AND TOWN  
OF CALEDONIA FOR THE WOODLAND HILLS SUBDIVISION IN THE TOWN OF  
CALEDONIA, WAUPACA COUNTY**

WHEREAS, on May 26, 2004 the Town of Caledonia Board of Supervisors executed a Development Agreement with WHWC, LLC to develop and improve certain real estate within the Town of Caledonia, and;

WHEREAS, it is understood that the intent of this document is to amend those sections so referenced and does not replace the original Development Agreement, and;

WHEREAS, item #1 references the construction of roads as specified in Ordinance #100 which is no longer the criteria used for road construction specifications, and;

WHEREAS, the Town of Caledonia has adopted the Waupaca County road specifications for new roads in the Town of Caledonia which specifically requires a total asphalt layer of no less than three (3) inches, and;

WHEREAS, it is in the Town's best interest to have the asphalt lifts in new subdivisions done in two separate lifts to provide a better final surface after the occurrence of heavy truck traffic apparent in the construction of new homes in the subdivision, and;

WHEREAS, the original agreement does make a provision for the final asphalt pavement to be installed when sixty seven percent (67%) of lots within said subdivision are issued building permits, and;

WHEREAS, Developer has provided a current quote from MCC to perform the final paving at a cost of \$45,630.00.

NOW, THEREFORE BE IT AGREED by the Town of Caledonia Board of Supervisors and Developer to amend the Development Agreement, Item #1 to incorporate road specifications consistent with Waupaca County road specifications to require a total three inch (3) layer of asphalt, with the first lift to be no less than 1-1/2 inches and the final lift to be an additional amount to equal a total asphalt thickness of no less than three (3) inches.

BE IT FURTHER AGREED by the Town of Caledonia Board of Supervisors and Developer to further amend the Developer's Agreement item #15 which states that no building permits would be issued until the roads have been accepted which is contrary to the fact that there have already been permits approved and issued for the subdivision.

BE IT FURTHER AGREED by the Town of Caledonia Board of Supervisors and Developer, to amend item #16 which references the establishment of an escrow account or a separate bond in the amount of fifty percent (50%) of all costs related to paving and/or seal coating. Item #16 is hereby amended to state that the roads will be accepted by formal resolution of the Town Board of Supervisors of the Town of Caledonia when the initial minimum 1-1/2 inches of asphalt pavement has been completed and certified by Developer's Engineer, and upon the receipt of an irrevocable letter of credit in the amount of \$53,000.00 which is equal to the amount of the quote of \$45,630.00 plus an inflationary calculation of s% per year for a period of three (3) years which is the time estimated by the Town to achieve the 67% buildout.

BE IT FURTHER AGREED by the Town of Caledonia Board of Supervisors and Developer, that if after the expiration of the irrevocable letter of credit, the developer fails to renegotiate the irrevocable letter of credit to the satisfaction of the Town of Caledonia, the Town of Caledonia will not issue any further building permits for the Woodland Hills Subdivision.

**AMENDMENT THREE TO DEVELOPER'S AGREEMENT BETWEEN WHISPERING  
WINDS OF CALEDONIA, INC. AND  
TOWN OF CALEDONIA FOR THE WHISPERING WINDS SUBDIVISION IN  
THE TOWN OF CALEDONIA, WAUPACA COUNTY**

WHEREAS, on May 3rd, 2004 the Town of Caledonia Board of Supervisors executed a Development Agreement with WHISPERING WINDS, INC. to develop and improve certain real estate within the Town of Caledonia, and;

WHEREAS, it is understood that the intent of this document is to amend those sections so referenced and does not replace the original Development Agreement, and;

WHEREAS, item #13 references the construction of roads as specified by the Town of Caledonia as two layers of asphalt at one and one half inch (1 1/2") each, as it is in the Town's best interest to have the asphalt lifts in new subdivisions done in two separate lifts to provide a better final surface after the occurrence of heavy truck traffic apparent in the construction of new homes in the subdivisions and;

WHEREAS, the Town recognizes that the dates included in the document have not been met however are not relevant to this matter, and;

WHEREAS, in item #5, the Developer has designated Waupaca County as its representative and engineer for this project, and;

WHEREAS, in compliance per item #15, the Town has received a letter documenting that the road to date has been constructed in accordance with Town specifications, and a proposal to finish the final one and one half inch (1-1/2") of final surface mat over the existing binder in the amount of \$110,000 been received, and;

WHEREAS, it is understood by Developer and Town that acceptance of this agreement voids FIRST AMENDMENT dated December 29, 2004, AND SECOND AMENDMENT dated January 5, 2006, of the Development Agreement.

NOW THEREFORE BE IT AGREED by the Town of Caledonia Board of Supervisors and Developer, to amend item #15 of the Development Agreement to state that the roads will be accepted by formal resolution of the Town Board of Supervisors of the Town of Caledonia when the initial minimum 1-1/2 inches of asphalt pavement has been completed and certified by Developer's Engineer, and upon the continuance of the irrevocable letter of credit dated November 7, 2006 in the amount of \$120,000.00 which is sufficient to complete the final lift of asphalt.

BE IT FURTHER AGREED by the Town of Caledonia Board of Supervisors and Developer that the final surface mat of one and one half inch (1-1/2") shall be placed at the time that 75% of the subdivision lots have been issued building permits.

BE IT FURTHER AGREED by the Town of Caledonia Board of Supervisors and Developer, that if after the expiration date, November 1, 2007, of the irrevocable letter of credit, the developer fails to renegotiate the irrevocable letter of credit to the satisfaction of the Town of Caledonia, the Town of Caledonia will not issue any further building permits for the Whispering Winds Subdivision.

8.6 Land Division Ordinance (see Appendix A – Waupaca County Parallel References)

**LAND DIVISIONS, SUBDIVISIONS,  
CONDITIONAL USE PERMITS AND REZONING REQUESTS**

WHEREAS, Waupaca County and the Town are currently studying and developing comprehensive plans under the "Smart Growth Law", such that there would be a comprehensive plan for residential development within the Town and County; but the development of the County/Town plans, and the implementation of all ordinances, involves the need for more time for study by the County and Town;

WHEREAS, the Smart Growth planning concept is unlike any prior planning activities of either the County or the Town;

WHEREAS, existing land use policies of the County and/or Town may allow new development or the intensification of existing developments that may hamper or curtail the effectiveness of new Smart Growth policies before they can be completed and adopted by the County and/or Town;

WHEREAS, an interim control ordinance relating to land division, subdivision, conditional use and rezoning requests would provide the Town with an opportunity to compete and adopt its new Smart Growth policies in conjunction with Waupaca County;

WHEREAS, if there is no interim control ordinance, development pressures within the Town may increase during the Smart Growth planning process, with landowners and developers seeking to rush projects to approval in order to circumvent what will be the final comprehensive

WHEREAS, additional time is needed to study and adopt ordinances to implement a comprehensive growth plan, including but not limited to subdivision, land division, access control, historical preservation, design, sign, impact fees and other similar implementation ordinances;

WHEREAS, the Town wishes to avoid a race of diligence, i.e., property owners seeking approval of actions which are allowed under current Town and/or County ordinances, but which may not be consistent with the comprehensive plan and implementation ordinances to be adopted by the County and/or Town;

WHEREAS, on an interim basis, the Town desires to allow limited land divisions wherein not more than one additional parcel is created (provided there is no rezoning of the divided parcel) and the creating one additional parcel is not expected to conflict with the eventual comprehensive plan and implementation ordinances being considered by the County and/or Town.

NOW, THEREFORE, having considered all of the foregoing, the Town Board of Supervisors, of the Town of Caledonia, Waupaca County, State of Wisconsin, do hereby ordain as follows:

1. No applications for land divisions, subdivisions, conditional use permits and/or rezoning request shall be allowed except as otherwise provided within this ordinance.
2. Notwithstanding the foregoing, an existing parcel of land may be divided into not more than two parcels, provided that the proposed division is allowed by the existing zoning classification for this property and Waupaca County ordinances and further proved that only one 2 land division of any existing parcel shall be allowed during the interim period that this ordinance is in effect.
3. Any certified survey map, subdivision plat, conditional use permit request or rezoning request which has already been approved shall not be effected by this ordinance.



4. Following this interim control ordinance, and when final Town approval of a comprehensive plan and action on the adoption of applicable ordinances implementing recommended components of the Smart Growth Law, and of Town and County comprehensive plans thereunder, then this ordinance shall be of no further force and effect.

5. This interim control ordinance shall not apply to emergency conditions that require a plat, certified survey map, conditional use permit or rezoning change in order to avoid irreparable harm to a property owner. Irreparable harm is not defined as a developer losing a current opportunity to develop land. A request for variance from this interim control ordinance is a matter that may be heard upon proper petition to the Town Board.

6. All ordinances/resolutions inconsistent with the provisions of this ordinance are hereby temporarily voided and shall be of no legal force and effect during the period of time that this interim ordinance stays in effect.

7. This interim ordinance applies throughout the Town of Caledonia.

8. If any part of this ordinance is adjudged to be unconstitutional, unlawful or invalid by a court of competent jurisdiction, the remainder of the ordinance not so declared unconstitutional, unlawful or invalid shall continue in force and effect.

9. This ordinance, when passed, shall be effective on the date of its publication or posting.

Adopted: Series of 2006

8.7 Zoning (see Appendix A – Waupaca County Parallel References)

**APPROVAL OF THE WAUPACA COUNTY ZONING ORDINANCE BY THE TOWN OF  
CALEDONIA, WAUPACA COUNTY TOWN BOARD OF SUPERVISORS**

WHEREAS, the Town of Caledonia, Waupaca County, Wisconsin Comprehensive Plan was prepared and adopted according to Section 66.1001 of the Wisconsin State Statutes in a cooperative, multi-jurisdictional county planning effort to guide future growth and development, and

WHEREAS, the Waupaca County Zoning Ordinance and Town of Caledonia Zoning Map provides a regulatory framework to implement the Town of Caledonia Comprehensive Plan, and

WHEREAS, the Town of Caledonia has cooperatively shared the preparation costs of the Waupaca County Zoning Ordinance with the County and other Waupaca County Towns as part of the Waupaca County Comprehensive Plan Implementation Project, and

WHEREAS, numerous forums for public participation have been provided including local planning meetings, local and county public information meetings, and county public hearings, and a County Implementation Project Website, and

WHEREAS, the Waupaca County Board of Supervisors has adopted the Waupaca County Zoning Ordinance on June 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Caledonia Town Board of Supervisors hereby approves that the Waupaca County Zoning Ordinance -and Town of Caledonia Zoning Map be applied to lands within Town jurisdiction under Section 59.69(5)(c) of the Wisconsin State Statutes.

Adopted May 3, 2011

## TITLE IX: FEES

## 9.0 Fee Schedule

**RESOLUTION 2009-09-03**  
**RESOLUTION TO ESTABLISH TOWN FEES**

The Town Board of the Town of Caledonia, Waupaca County, Wisconsin by this resolution, adopted on proper notice with a quorum and by roll call vote of a majority of the town board present and voting resolves and orders as follows:

The fees listed in appendix (A) following will be charged for the remainder of 2009 and until further action is taken by the Town Board.

Adopted: September 22, 2009

**TOWN OF CALEDONIA  
APPENDIX (A) FEE SCHEDULE  
1-1-2016**

TYPE	AUTHORITY	ITEM	FEE
Fishing Rafts	2000-1	Annual-Jan thru Dec	\$5.00
Transient Merchants	1998-2	Annual, from date of registration	\$20.00
Land Division	Res. 06-03  61906-1 S. 236.30 S. 236.31 S. 236.32 RES. 06-16	CSM Establishing 2-4 Lots Subdivision Plat Establishing > 4 Lots Total Fee Preliminary Plat Final Plat Penalty for Non-Compliance/Day Improperly Recorded Improperly Conveyance of Lots Disturbing Monuments Fee for Review of All Other Matters	\$100.00 + \$10.00/Lot  \$300.00 + \$20.00/Lot \$150.00 + \$10.00/Lot \$150.00 + \$10.00/Lot \$100.00 + Cost incurred       \$50.00
Driveway/Culverts		Inspection	\$50.00
Hall Rental	11-2008-2	Town Resident: Community Center or Shelter Community Center + Shelter Security Deposit Non-Resident: Community Center and/or Shelter Security Deposit	\$50.00 \$75.00 \$50.00  \$100.00 \$100.00
Fire Number Sign	Town Board	New Homes, Replacements	\$50.00
Private Road Signs	Town Board	Replacements	\$50.00
Garbage & Recycling	Budget	Each Household, Per Annum	\$121.00
NSF Checks	Minutes	Per Occurrence	\$25.00
FOIA Requests	S19.35(3)(a)  S.19.35(3)(d)	Retrieval-Archives Photocopies Meeting Recordings Fax Copies, each Postage & Handling	\$50.00 \$0.25 ea/\$1 minimum \$15.00 \$1.00 Actual cost
Fireworks Permit	Town Board	Per Occurrence	\$25.00
Dog Licenses	11-2008-1	Neutered/Spayed Intact Multiple Each Add'l Lic. > 12 Late Penalty Stray Pick-up Fee	\$5.00 \$10.00 \$60.00 \$5.00 \$5.00 \$25.00
Liquor/Tobacco	S.125.51(3)(e) S.125.26(4) S.125.17(3)  S125.26(6)	Class "B" Liquor Class "B" Beer Operator's Annual Cigarette Temporary Picnic Publication Fee ea. License	\$150.00 \$100.00 \$15.00 \$25.00 \$10.00 \$17.50
**Building	1-96 (2003)	Under \$1,000 New Homes up to 1500 sq. ft. 1501-2000 sq. ft. 2500 + sq. ft. Remodel (>\$1,000) Additions Utility/Pole Bldgs up to 120 sq. ft. 121-400 sq. ft. Commercial Building Land Use Permits *Dwelling *1 <sup>st</sup> Structure on Property *Addition/Alteration to Present Structure	Not Required \$375.00 \$525.00 \$750.00 \$50.00 >\$100 or \$.05 sq. ft. >\$50.00 or \$.05 sq. ft. >\$15 or \$.05 sq. ft. \$2.50/\$1,000.00 value \$150.00 \$100.00 \$100.00

		Shoreland Permits (Non-Waterfront) Penalty for Failure to Obtain Permit Renewal (All Permits) Change Resulting in Greater Value Re-inspection Fee Escrow	\$150.00 Double all fees \$10.00 Reg. Fee, less that already paid \$50.00 \$500.00
Capital Improvement Fee – new homes	Town Board	New construction building permit capital improvement fee	300.00
Clerk/Treasurer Fee	Town Board	Real Estate Inquiry	20.00
Woodland Hills Road Assessment	Town Board	22 lots divided by most current estimate for pavement equals per lot costs. Evaluated yearly	(2016 cost) \$5045



TITLE X: TABLE OF SPECIAL ORDINANCES (RESERVED)

APPENDIX A – COMPREHENSIVE PLAN AND ZONING MAPS

INSERT WAUPACA COUNTY/T. CALEDONIA LAND USE MAP

APPENDIX B - WAUPACA COUNTY PARALLEL REFERENCES

Waupaca County Zoning Ordinance – Chapter 34

Waupaca County Sanitary Ordinance – Chapter 35

Waupaca County Floodplain Ordinance – Chapter 36

Waupaca County Subdivision Ordinance – Chapter 37



APPENDIX C - REFERENCES TO WISCONSIN STATE STATUTES  
(RESERVED)

APPENDIX D – ORDINANCE/RESOLUTION INDEX