

## **VILLAGE OF PORT EDWARDS**

### **PLANNING, LEGISLATIVE, PROPERTY AND INFORMATION TECHNOLOGY COMMITTEE MEETING**

**Wednesday, 1 February 2023**

**4: 30 P.M. AT THE MARSHALL BUEHLER CENTER**

The meeting room can accommodate up to 10 people including some public. If you a member of the public and wish to listen, please call the dial in number below and you will be acknowledged

**Join Zoom Meeting** – <https://us06web.zoom.us/j/81798343922?pwd=OEFqSzZnT09pTGhNueGxGUGV6REV6UT09>

Meeting ID: 817 9834 3922, Passcode: 056547, One tap mobile +16465588656

**Phone Audio only: Meeting Dial-in number: 715-423-6698, Access Code ID: 02067**

#### **Agenda:**

1. Call to order.
2. Roll call.
3. Approve the agenda.
4. Approve minutes from the 4 January 2023 meeting.
5. Public comments on agenda items.
6. Chairperson comments.
7. Discuss and Review Chapter 10, Public Nuisance, Possible **MOTION** to approve changes to Chapter 10.  
Administrative changes and updates to outdated rules
8. Discuss “Chickens- Fowl” in the Village and the rules governing them.
9. Discuss Development options in the TIF district and incentives utilizing TIF funding
10. Discuss the Resolution supporting the NEPCO lake district formation, **MOTION** to approve.
11. Discuss old Business
12. Discuss New Business
13. Discuss any correspondence
14. Future Agenda Items
15. Next meeting date, 8 March 2023, 4:30 pm at the Marshall Buehler center
16. Adjourn

Erik Saylor - Chairman

# VILLAGE OF PORT EDWARDS

Port Edwards, Wisconsin

COMMITTEE: Planning, Legislature, Property  
& Information Technology

DATE: January 4, 2023

TO: JOSEPH ZURFLUH

cc: BETSY MANCL	ERIK SAYLOR	RAYMOND BOSSERT
SUE MITCHELL	DAILY TRIBUNE	JASON WORDEN
TIARA GRUNDEN	WFHR/WGLX	DIANE TREMMEL
SCOTT DREW	NICK ABTS	LONN RADTKE
CALEB MCGREGOR		

**Purpose of Meeting:** Regular Monthly Meeting

**Attendance:** R. Bossert, J. Zurfluh, E. Saylor, C. McGregor, T Grunden

**Absent:** None

**Citizens:** Betsy Mancl, Dave Abner, Eric Hummel, Lyman Tschanz

**Subjects Discussed, Action Taken & Board Action Required:**

## Regular Monthly Meeting

- **Call to order:** Meeting called to order by Saylor - Chairman at 4:30 p.m.
- **Roll Call:** All present from above.
- **Approve the agenda & previous month's minutes:** **MOTION** (Saylor/Grunden) to approve minutes from 7 December 2022 & agenda. **Motion carried.**
- **Public comments on agenda items:** The Citizens of NEPCO lake (Hummel, Tschanz, Dobner) presented an update on the effort to form a lake district. They explained the % of residents who have responded to the survey sent out in November 2022 (over 60% positive response) and the way ahead for gaining support from all the municipal government before presenting this to the County Board.
- **Committee Chairman's comments:** None.
- **Planning, Legislature, Property, & Information Technology Updates**
- Discussion on the approval of a short-term rental portion of Chapter 12 ordinance. The bulk of the wording will remain the same, so administrative changes for the permitting process and

inspections. The Village has an extensive ordinance on short term rentals, and now charges a license fee.

- Final Review of changes in Chapters 12 (License and Permits), 1 (General Government), 4 (Police department), 5 (Fire department). Mostly administrative. The PFC has recommended some minor descriptive changes that were incorporated in the chapters, No issues with the wording changes. The minor changes were addressed and a final revision will be presented to the Board. One last change was to have the Village attorney appointed by the Village Board.
- ***Old Business. None***
- ***New Business: None***
- ***Correspondence received.*** None.
  - a. ***Future Agenda items for next meeting:*** Property status on market Ave. In February we will start reviewing one ordinance chapter 10 Public Nuisances
- ***Next meeting date:*** 1 February 2023 at 4:30 p.m., in person at the Marshall Buehler Center.
- ***Adjourn:*** Adjourned at 5:30 p.m. by Saylor.

Erik Saylor – Committee Chairman

**CHAPTER 10**  
**PUBLIC NUISANCES**  
**Updated 14 February 2023**

- 10.01 Public Nuisances Prohibited
- 10.02 Public Nuisance Defined
- 10.03 Public Nuisances Affecting Health
- 10.04 Public Nuisances Offending Morals and Decency
- 10.05 Public Nuisances Affecting Peace and Safety
- 10.06 Junk, Certain Vehicles and Firewood
- 10.07 Abatement of Public Nuisances
- 10.08 Diseased and Infected Tree Control
- 10.09 Weed Control
- 10.10 Lawn Care
- 10.11 Outdoor Wood Boilers
- 10.12 Business District Rules
- 10.15 Penalty

**10.01 PUBLIC NUISANCES PROHIBITED.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

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

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

**10.03 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 definitions of sec. 10.02 of this chapter:

- (1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) **UNBURIED CARCASSES.** Carcasses of animals, birds or fowl not intended for human consumption, or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) **BREEDING PLACES FOR VERMIN, ETC.** 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.
- (4) **STAGNANT WATER.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) **PRIVY VAULTS AND GARBAGE CANS.** Privy vaults and garbage cans which are not fly tight.
- (6) **AIR POLLUTION.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- (7) **NOXIOUS WEEDS.** All noxious weeds, as defined in §66.0407, Wis. Stats. In addition, other rank growth of vegetation, and all weeds, grasses and plants over 12 inches in height, excluding trees and shrubs, which:
  - (a) Detract from the surrounding area and properties.
  - (b) Become a possible fire hazard, as determined by the Fire Chief.
  - (c) Become a health hazard due to their pollen or a potential cover for disease-carrying rodents and other small animals.
  - (d) Are of infectious or poisonous nature in or adjacent to a populated area, regardless of height.
  - (e) Become a potential hazard to vehicular traffic in vision clearance triangles.
- (8) **WATER POLLUTION.** 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.
- (9) **NOXIOUS ODORS, ETC.** Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- (10) **STREET POLLUTION.** 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 Village.
- (11) **PESTICIDE APPLICATION.** The application, or causing of the application, of any pesticide, as defined in §946.67(25), Wis. Stats., in such a manner as to endanger the health of persons within the Village.

**10.04 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 sec. 10.02 of this chapter.

- (1) **DISORDERLY HOUSES.** 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.
- (2) **GAMBLING DEVICES.** All gambling devices and slot machines.
- (3) **UNLICENSED SALE OF LIQUOR AND BEER.** 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 this Code.
- (4) **CONTINUOUS VIOLATION OF VILLAGE ORDINANCES.** Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) **ILLEGAL DRINKING.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws or this Code.

**10.05 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 definition of sec. 10.02 of this chapter:

- (1) **SIGNS, BILLBOARDS, ETC.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.
- (2) **ILLEGAL BUILDINGS.** All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the Village.
- (3) **UNAUTHORIZED TRAFFIC SIGNS.** All unauthorized signs, signals, markers 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 device, sign or signal.
- (4) **OBSTRUCTION OF INTERSECTIONS.** All trees, hedges, billboards 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.
- (5) **TREE LIMBS.** All limbs of trees which project over and less than 10 feet above any public sidewalk or less than 15 feet above a street or other public place.
- (6) **DANGEROUS TREES.** All trees which are injurious to public health or safety because of a diseased or damaged condition, and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.
- (7) **FIREWORKS.** All use, possession or display of fireworks except as provided by the laws of the State and ch. 9 of this Code.
- (8) **DILAPIDATED BUILDINGS.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (9) **WIRES AND CABLES OVER STREETS.** All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (10) **NOISY ANIMALS OR FOWL.** 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 Village.

- (11) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this Code or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- (12) SNOW, ICE AND DEBRIS REMOVAL. All debris not removed, and all snow and ice not removed or sprinkled with salt, ashes, sawdust or sand, as provided in ch. 8 of this Code.
- (13) REFRIGERATORS. 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.
- (14) OPEN PITS, BASEMENTS, ETC. All open and unguarded pits, wells, excavations and basements.
- (15) FLAMMABLE LIQUIDS VIOLATIONS. Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.

#### 10.06 JUNK, CERTAIN VEHICLES AND FIREWOOD.

- (1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the Village.
  - (a) Any motor vehicle, truck body, tractor or trailer as enumerated in subs. (3) and (4) below and defined in sub. (2)(a) and (b) below.
  - (b) Any junk stored contrary to sub. (5) below.
  - (c) Any firewood used or stored contrary to sub. (6) below.
- (2) DEFINITIONS. The words, phrases and terms used in this section shall be interpreted as follows:
  - (a) Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers. Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.
  - (b) Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers. Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.
  - (c) Motor Vehicle. As defined in §340.01(35), Wis. Stats.
  - (d) Junk. Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Village property values, health, safety or general welfare.
  - (e) In the Open. Land which may be viewed from public streets or adjoining property.
- (3) STORAGE OF INOPERABLE VEHICLES, ETC.
  - (a) Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property in the Village for a period exceeding 10 days.
  - (b) Exceptions.
    - 1. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than 3 disassembled or wrecked vehicles, including vehicles under repair, in the open for a period not to exceed 30 days, after which such vehicles shall be removed.
    - 2. Junk yards licensed under ch. 12 of this Code.
- (4) STORAGE OF UNLICENSED VEHICLES, ETC.
  - (a) Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property in the Village for a period exceeding 10 days.
  - (b) Exceptions.

1. Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district.
  2. Garden tractors and mowers may be stored in the rear yard not less than 10 feet from any property line.
- (5) **STORAGE OF JUNK PROHIBITED.** No person, except a junk dealer licensed under ch. 12 of this Code, shall accumulate, store or allow any junk outside of any building on any public or private real estate located in the Village.
- (6) **STORAGE OF FIREWOOD.**
- (a) Regulated. No person shall store firewood on any residential premises except for use on the premises. No firewood pile may be located within the front setback.
  - (b) Exception. Any firewood pile located contrary to the provisions of par. (a) above on the effective date of this subsection need not be moved to a place of compliance until June 1, 2003.
- (7) **ISSUANCE OF CITATION; ACTION TO ABATE.** Whenever a police officer shall find any such vehicle or junk, as defined in sub. (2) above, accumulated, stored or remaining in the open upon any property within the Village contrary to the provisions of subs. (3), (4) and (5) above, or firewood stored contrary to sub. (6) above, he shall notify the owner of said property on which such vehicle, junk or firewood is located of the violation of this section. If such vehicle, junk or firewood is not removed within 10 days, the police officer shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle, junk or firewood is located. In addition, action to abate such nuisance may be commenced, as provided in sec. 10.07 of this chapter.
- (8) **PENALTY.** Any person who shall be adjudicated to have violated any of the provisions of this section shall be subject to a forfeiture as provided in sec. 25.04 of this Code plus the costs of said prosecution and, upon default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed 10 days. Each day that a violation of this section continues shall be deemed a separate offense.

#### 10.07 ABATEMENT OF PUBLIC NUISANCES.

- (1) **ENFORCEMENT.** It shall be the duty of police officers, the Fire Chief and the Zoning Administrator to Village Administrator and Police officers and may be delegated to the Fire department and Public Works Supervisor. enforce those provisions of this chapter that come within the jurisdiction of their respective offices and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
- It shall be the duty of the Police Chief, the Fire Chief and the Village Administrator to enforce those provisions of this chapter that come within the jurisdiction of their respective offices and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. Notwithstanding the foregoing, the Police Chief, Fire Chief and/or the Village Administrator shall have the discretion to delegate such authority within their respective departments, including but not limited to delegation to the Public Works Supervisor as appropriate, though delegation of such authority shall not in any case relieve the Police Chief, Fire Chief and/or the Village Administrator of their respective duties under this section.
- (2) **SUMMARY ABATEMENT.**
- (a) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct a police officer 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 Village



shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

- (b) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- (3) **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 shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Village President, who may direct the Village Attorney to commence an action in Circuit Court for the abatement of the nuisance.
- (4) **OTHER METHODS NOT EXCLUDED**. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture as provided in sec. 10.15 of this chapter.
- (5) **COST OF ABATEMENT**. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village 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.

**10.08 DISEASED AND INFECTED TREE CONTROL.** See sec. 8.12 of this Code.

**10.09 WEED CONTROL.**

- (1) **NOXIOUS WEEDS AND RANK GROWTH PROHIBITED**. No owner or occupant of any lot or parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance, as defined in sec. 10.03(7) of this chapter.
- (2) **NOTIFICATION**. The Village President shall annually, on or before May 15, publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds and other rank growth of vegetation, as defined in sec. 10.03(7) of this chapter, on land in the Village which he owns, occupies or controls.
- (3) **ENFORCEMENT**. If a property owner fails to control the growth of such weeds or rank growth of vegetation on his property, the Weed Commissioner shall serve upon him notice as to this fact. If such owner fails to abate this nuisance within 5 days after service of the notice, the Weed Commissioner shall take action to abate such public nuisance.
- (4) **COSTS**. If the Village causes a nuisance to be removed as provided in sub. (3) above, the actual cost thereof, together with an administrative fee equal to 10% of the actual cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to §66.0517, Wis. Stats.

**10.10 LAWN CARE.**

- (1) **OCCUPIED LOTS**. Every owner or occupant of any premises having a lawn consisting of conventional grasses such as Blue Grass, Creeping Fescue, Rye Grass, etc., shall cut and maintain such lawn on such premises as well as the boulevard in front of or along such premises.
- (2) **VACANT LOTS**. All vacant lots in all residential, business and manufacturing districts shall be kept free of unhealthy and unsightly debris and shall be reasonably maintained. This shall also include the boulevard in front of or along such vacant lot.

**10.11 OUTDOOR WOOD BOILERS REGULATED**

(1) Outdoor wood boilers may be permitted only on Agricultural zoned properties and shall be located 300 feet or more from an existing neighboring residential dwelling.

**10.12 BUSINESS DISTRICT RULES**

(1) SUMMARY- Due to the Unique nature of our Village Business District, the Village feels it necessary to apply some very direct code enforcement to ensure the safety, security and value of all the properties affected. The Ordinances and Rules and regulations of the Village apply to all properties within the Village limits, however specifically for our Business district the below ordinances apply and shall be enforced. In some cases, the interconnectivity of the properties requires a more multi-family enforcement rather than the stand-alone property atmosphere. The reliance on **interconnected** water, sanitation, roofing, power requires strict safety and security checks and enforcement to ensure a safe environment. The ability to attract and maintain prosperous business customers require a uniform, aesthetically appealing, safe and attractive environment that maintains the Village Values and small-town atmosphere.

(2) Definition of the Village of Port Edwards Business District:

- a. Properties in the Port Plaza market Ave building  
(Parcels #2700243B, 2701007, 2701006, 2701005, 2701004, 2701003, 2701002, 2701001, 2700243, 27002243AB, 2700258A, 2700247)
- b. The US Post office Building, (Parcel #2700206A)
- c. The Adjoining Kennel club and vacant storefront (parcel #2700206)
- d. The Nekoosa Port Edwards Bank Building (Parcel #2700220, #2700219)
- e. The Port Auto Automotive shop (Parcel #2700225)
- f. Current Technology (#2700223)
- g. Simply Incredible foods (#2700208, 2700209, 2700210)
- h. Rental properties (# 2700259, 2700211)

(3) INSPECTION OF DWELLINGS AUTHORIZED The chief housing official is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, and premises located within the city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and the general public. All inspections and investigations of residential property must be conducted in compliance with the requirements for a reasonable search. Initially this means consent or a warrant must be obtained in order to enter the premises. For the purpose of making such inspections and to perform any duty imposed upon him by this code, the chief housing official is hereby authorized according to law to enter, examine, and survey at all reasonable times all such premises.

(4) FREQUENCY OF INSPECTIONS The chief housing official shall cause a periodic inspection to be made of every multiple dwelling or leased dwelling unit. Such inspection shall include a thorough examination of all parts of such dwelling and the premises connected therewith. The chief housing official is also empowered to make similar inspections of all dwellings as frequently as may be necessary or convenient.

(5) AERIELS. NO radio or Television aerial or satellites shall be installed, except with the Village approval. Any aerials/satellite dishes erected on the roof or exterior walls of the building without the consent of the village, in writing, is liable to removal without notice.

(6) STORAGE OF VEHICLES. No recreational vehicles, including but not limited to trailers, campers, boats, boat trailers and snowmobiles may be parked on the Market Ave premises. This includes the front parking areas along the Port Plaza or the alley directly behind the building. In operative, immobile or junked cars and other vehicles may remain in the parking areas for no longer than 4 days without prior approval of the Village. These may be subject to removal by the Village at a cost to the owner /occupant.

(7) DISPOSING OF REFUSE. All Business District owner/occupants should have adequate trash containers and garbage and refuse must be placed in the same. No storing of refuse and misc. supplies external to the building will be acceptable and will be subject to removal by the Village at a cost to the owner /occupant.

(8) FACADES- Will retain the original design of the building. Any adjustments or proposals will be submitted to the Public Works Committee for discussion and approval. No facades will be extreme in design or color choices. No facades will protrude further than 12" from the building front.

(9) SIGNS- No signs will be larger than 3'x 6'. They will all require a Village Sign permit and approved by the Village Administrator before installation.

(10) INSURANCE- Due to the in connectivity of the majority of the buildings in the Business district, basic coverage per state rules will be required for Fire, Water and Wind damage. The coverage will replace the structure and interiors to at a minimum the current standard. Internal coverage for personal items will be at the discretion of the owner.

(11) WINDOWS- Windows will be kept clean and at least have 50% of open line of sight on the total square footage of the window. On the interior, moveable shades and shutters may be maintained but nothing permanent in structure can be installed. Window designs, signs and graphics will be approved by the Village thru the Public Works committee.

(12) SIDEWALKS- Will be maintained per Village ordinances and cleared of debris and snow as per ordinances.

(13) ALLEYS- Will be free of debris and maintained by the Village as part of the transportation network. Trash and debris collection will be per Village ordinances.

(14) SAFETY: Fire inspections shall be conducted on a more frequent basis due to the composition of the Business district and the impact on the functioning of our local government. The Village will have the right to quarterly inspect all the properties in the Business district at no cost to the occupants. However, violations and corrective actions once noted will be conducted at the expense of the occupant/owner in 30 days, with a follow up check to validate.

a. ENTERING ON PREMISES. No person shall deny the Fire Inspector or the Deputy Inspector free access to any property within the Village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspectors in the performance of duties or refuse to observe any lawful direction given by the Inspector or Deputies

b. CORRECTION OF FIRE HAZARDS. When any inspection by the Fire Chief or Deputy Inspector reveals a fire hazard, the Chief or the Deputy Inspector may serve a notice in writing upon the owner of the property giving the owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the Fire Chief or the Deputy Inspector may have the same removed by the Village, and the cost of such removal shall be recovered in an action by the Village against the owner of the property and may also be entered on the tax roll as a special charge against the property.

c. INSPECTION DUTIES. Fire Inspectors shall inspect, according to State regulations, all buildings, premises and public thoroughfares within the Village limits for the purpose of noting and causing to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of all explosives and inflammable liquids within the Village.

d. WRITTEN RECORD OF INSPECTIONS. The Chief shall keep a written record of each property inspected, which shall conform to the requirements of the State Department of Commerce and shall make a report of such inspections available upon request.

#### (15) PUBLIC NUISANCES

a. 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 definition of sec. 10.02 of the Village ordinances.

b. DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(16) ABATEMENT OF PUBLIC NUISANCES.

a. ENFORCEMENT. It shall be the duty of police officers, the Fire Chief and the Zoning Administrator to enforce those provisions of this chapter that come within the jurisdiction of their respective offices and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.

b. SUMMARY ABATEMENT.

1) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct a police officer 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 Village shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

2) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

3) 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 shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Village President, who may direct the Village Attorney to commence an action in Circuit Court for the abatement of the nuisance.

4) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture as provided in sec. 10.15 of this chapter.

5) COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village 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.

(17) PENALTY. In addition to the penalties provided in this chapter, any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in sec. 25.04 of this Code.

(18) BUILDING CODE ENFORCEMENT

a. ADMINISTRATION AND ENFORCEMENT. The Village Building Inspector shall administer and enforce this chapter within the Village.

b. DEMOLITION PERMIT REQUIREMENTS FOR HIGH VALUE PROPERTIES  
ENFORCEMENT AND VIOLATIONS. The Building Inspector, with the aid of the Police and Fire Departments, shall enforce the provisions of this section of the Building Code. Any person who violates, disobeys, neglects, omits or refuses to comply with any of the provisions of this section of the Building Code, shall be subject to the penalties

described in Sec. 25.04 of the General Provisions including the assignment of daily penalties for each day the property is found to be in violation of the Code. Such penalties shall be in addition to any other applicable penalties that may be described in a valid development agreement between the applicant and the Village or as may otherwise be allowed by law including the Village making a claim on the applicant's performance bond.

c. **ILLEGAL DUMPING PROHIBITED.** It shall be illegal for any person to dump, dispose, deposit, litter or store refuse in the Village outside of a container approved by the Village Board on either private or public lands.

**(19) DISPLAY OF BUILDING ADDRESS/STREET NUMBER REQUIRED.**

a. **REQUIRED.** Each principal building in the Village shall be assigned an official street number. All lots and parts of lots in the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Engineer/Administrator. In the event a lot is not numbered, the Village Engineer/Administrator shall assign a number in cooperation with Wood County Emergency Management. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

b. **DISPLAY.** The owner, occupant, or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by such person the official street number assigned to that building as provided in subsection (1) of this section. Each required number shall be affixed on the particular building in such a contrast, size, and location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall so be affixed in such location that it may be seen in like manner from such alley. Buildings set back more than 75 feet from a street or alley shall have a street number affixed to a sign in the front or rear yard in addition to the required number on the building. All signs must comply with the requirements of Chapter 17.25. Script, spelled-out, or Roman numerals are not acceptable.

c. **NONCOMPLIANCE.** If the owner or occupant of any building neglects for 20 days to duly attach and maintain the proper numbers on the building, the Village shall serve such owner or occupant a notice requiring such owner or occupant to properly number the building. If such owner or occupant neglects to do so for ten days after service, such owner or occupant shall be subject to the provisions of 11.10, Penalty.

d. **PENALTY.** Any person who shall violate any provision of this chapter shall be subject to a penalty as provided below unless State Statutes supersede.

**(19) ZONING CODE VIOLATION AND PENALTIES.**

a. Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall forfeit a sum of not less than \$200 nor more than \$500, together with the costs of prosecution, and, in case of nonpayment of such forfeiture, shall be imprisoned in the County Jail for a term of not more than 30 days or until such judgment is paid, and each day of violation shall constitute a separate offense.

**10.15 PENALTY.** In addition to the penalties provided in this chapter, any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in sec. 25.04 of this Code.

**ORDINANCE NO: 8****AN ORDINANCE TO ESTABLISH THE GRAND RAPIDS ANIMAL CODE**

The Town Board of the Town of Grand Rapids, Wisconsin, does ordain as follows with regard to its Town Ordinances:

**8.1 TITLE AND SCOPE**

These regulations shall be known as Ordinance 8, Grand Rapids Animal Code, and shall be construed to secure their expressed intent and to ensure public safety, health and welfare.

**8.2 DEFINITIONS**

For the purpose of this code, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common usage.

A. Agricultural Animals; Animals which are used for the production of food or other products. Agricultural animals shall include cattle, hogs, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Wisconsin.

B. Animal unit; Animal Unit

1)	1 Slaughter Steer or Heifer	1.0
2)	1 Horse	1.0
3)	1 Mature Dairy Cow	1.4
4)	1 Swine over 55 pounds	0.4
5)	1 Sheep or Goat	0.5
6)	1 Turkey	0.1
7)	1 Chicken	0.1
8)	1 Duck	0.2

- Off-spring of allowed animals under the age of 6 months shall not be counted.
- For animals not listed in this table, the number of animal units shall be defined as the average weight of the animal divided by 1000 pounds.

C. At Large; Any animal is at large when it is off the property of the person owning, harboring, or keeping said animal, and it is not under restraint.

D. Cat; Includes all members of the family of cats, whether domesticated or in the semi-wild or wild state, male or female.

E. Dangerous Animals; Mammals, birds or large or poisonous reptiles or amphibians with a potential to be dangerous to the safety and welfare of any person, property or domestic animal and which are not commonly kept as house pets. Examples of such dangerous animals include but are not limited to, bears, lions, wolves, coyotes, cougars, tigers, panthers,

apes, alligators, crocodiles, large snakes (greater than 6 feet) and poisonous snakes, badgers, and ocelots. Dangerous animals shall also include any animal that has attacked or bitten any person when said attack or bite was unprovoked. Animals cross-bred with dangerous animals shall also be considered dangerous animals, such as animals bred from dogs and coyotes or dogs and wolves.

- F. Dog; Includes all members of the family of dogs, whether domesticated or in the semi-wild or wild state, male or female.
- G. Domestic Animals; Animals defined as traditional house pets such as dogs, cats, and birds which can be contained within a dwelling, throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the Town. Domestic animals also include birds and rabbits normally sheltered outside the home.
- H. Kennel: Any structure or premises on which three or more dogs over four months of age are kept for purposes of breeding, sale or sporting or who engage commercially in boarding dogs within the Town of Grand Rapids.
- I. Owner; Any person or persons, firm or corporation owning, harboring, or keeping an animal, and the occupant of any premises on which an animal remains, or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the animal with the meaning of this ordinance.
- J. Public nuisance Animal; Any one or more of the following:
  - 1) If the animal is repeatedly found at large;
  - 2) Damages the property, or garden of anyone other than its owner;
  - 3) Is a vicious animal(s);
  - 4) Causes unsanitary conditions of enclosures or surroundings;
  - 5) By virtue of the number of types of animals maintained on a property, are offensive or dangerous to the public health, safety, or welfare;
  - 6) Makes noises tending to disturb neighbors;
  - 7) Molests passers-by or passing vehicles;
  - 8) Attacks other domestic animals;
  - 9) Has been designated by the County Humane Officer to be a public nuisance animal.
- K. Vicious Animal; Any animal which reasonably constitutes a physical threat to human beings or other animals by virtue of one or more attacks.

### **8.3 INCORPORATION OF WISCONSIN STATUTES**

The statutory provisions describing and defining regulations with respect to the keeping of a dog in Wisconsin Statutes Chapter 174 are hereby adopted and, by reference, made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any such statute shall likewise be required under this Ordinance.

**8.4 ANIMALS RUNNING AT LARGE PROHIBITED**

- A. The owner of any animal found to be running “at large” shall be subject to a forfeiture per Ordinance 39 “Schedule of Fees and Forfeitures” for each day during which said violation shall continue together with the costs of prosecution.
- B. Animals running “at large” shall be considered a public nuisance and may be seized or restrained, and if so restrained or seized shall be turned over to the town police or to agents or employees of the South Wood County Human Society, Inc. The owner of said animal may reclaim said animal by paying a fee as per Ordinance 39 “Schedule of Fees and Forfeitures” for the pick-up and/or sheltering of said animal. If said animal is not reclaimed within seven days, said animal may be destroyed.

**8.5 ANIMALS DISTURBING THE PEACE PROHIBITED**

- A. It shall be unlawful for any person to own, keep, have in possession, or harbor any animal which is a habitual howler, yelper, barker or other noisemaker or which, shall cause unreasonable annoyance or disturbance to a person. Provided, however, that the provisions of this section shall not apply to duly authorized animal hospitals or clinics established and in operation for the treatment of small animals.
- B. No person shall be convicted under the provisions of this section except under the evidence from 50% of the adult residents living within 250 feet of the residence of the animals complained of or from two persons, each of a different household, whichever is less. In addition, a citation may be issued for any violation of this section that is witnessed by a law enforcement officer.

**8.6 ANIMAL DEFECATION**

Any person who allows any animal owned or under his or her control to defecate on the property of another or on any public property shall cause the feces to be removed immediately. Animal waste shall also be removed from the pens and premises on a regular basis.

**8.7 INHUMANE TREATMENT**

No person shall be cruel or inhumane to any animal by beating, torturing, mutilating or failing to provide it with adequate food, drink or shelter. No person shall abandon any animal within the Town.

**8.8 CONTROL OF RABIES**

- A. Any animal having rabies or suspected of having rabies shall be reported to the County Humane Officer and County Health Department within 24 hours by any person having knowledge or suspicion of the same. Whenever an animal shall bite a person, notice thereof shall be reported to the County Humane Officer within 24 hours, giving, if possible, the name and address of the owner of the animal and the circumstances under which the bite occurred.
- B. If an animal has bitten a person, is suspected of having rabies or has been bitten by an animal suspected of having rabies, such animal may be impounded for a period of ten days for observation at the owner’s expense, unless said owner can furnish conclusive evidence



that said animal has received current immunization shots for rabies.

## 8.9 INDIVIDUAL DOG LICENSES

Except as provided in sec. 174.054 Wis Stats., every owner of every dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, at the time and in the manner provided by law for payment of personal property taxes, pay an annual license fee as per Ordinance 39 "Schedule of Fees and Forfeitures" and obtain a license and collar tag for such dog.

- A. Dogs under six months of age acquired from a Humane Society Animal Shelter facility shall be spayed or neutered by eight months of age. Dogs acquired from an animal shelter at an age of six months or more, shall be spayed or neutered within 60 days.
- B. The license year for dogs shall commence on the 1<sup>st</sup> day of January and end on the 31<sup>st</sup> day of the following December.
- C. Every licensed dog over the age of five months on January 1 of any year shall at all times wear a substantial durable collar to which shall be attached securely the license tag required. No license tag shall be used on the collar of any dog other than the one for which it was issued. No person shall remove the collar or tag or both from any dog without consent of the person to whom the license was issued. If a dog is retained in a fence, kennel or pen, it need not wear its collar.
- D. The Town shall assess and collect a late fee as per Ordinance 39 "Schedule of Fees and Forfeitures" from every owner of a dog five (5) months of age or over, if the owner failed to obtain a license:
  - 1) Prior to April 1<sup>st</sup> of each year; or,
  - 2) Within 30 days of acquiring ownership of a licensable dog; or,
  - 3) On or before the dog reached licensable age.
- E. All late fees received or collected shall be paid into the local treasury as revenue of the Town.
- F. The maximum number of dogs which may be kept at one household without obtaining a dog exemption permit is two. An owner may obtain an annual exemption permit from the two dogs per household regulation by applying to the Plan Commission for an excess household dog exemption permit, and paying fees required by Town policy for said permit as per Ordinance 39 – "Schedule of Fees and Forfeitures". The exemption permit may be revoked by the Plan Commission upon its finding, after notice to the permit holder of the meeting at which revocation will be considered, that the terms of this ordinance or a permit issued thereunder have been violated.
- G. A kennel may not be operated in the Town of Grand Rapids unless the kennel is located in a zoning district which authorizes kennels as a conditional use and a conditional use permit has been issued per Ordinance 52-Zoning for the kennel.

**8.10 MULTIPLE DOG LICENSES**

- A. The provisions set forth in sec. 174.053 Wis. Stats. shall apply to the issuance of multiple dog licenses.
- B. The Town shall assess and collect from a multiple dog license holder a late fee as per Ordinance 39 "Schedule of Fees and Forfeitures" for each dog, five months of age or older, if:
  - 1) A kennel license holder fails to obtain a multiple dog license prior to April 1<sup>st</sup> of each year; or,
  - 2) Within 30 days of acquiring ownership of a licensable dog fails to obtain an additional tag; or,
  - 3) If the holder of a multiple dog license fails to obtain an additional tag on or before the dog reaches licensable age.
- C. All late fees received or collected shall be paid into the treasury as revenue of the Town.

**8.11 OTHER REGULATION****A. Agricultural Animals.**

- 1) The keeping of agricultural animals in the Agricultural (A) zoning district is a permitted use.
- 2) The keeping of agricultural animals in any other zoning district is limited to parcels of land that are at least 5 acres and is further subject to the following limit:
  - a. A limit of one animal unit per 2 acres of grazable acreage land.
- 3) Notwithstanding subparagraph 2) above, chickens (roosters are prohibited) may be kept or maintained upon the following:
  - a. Up to six (6) chickens (.6 animal units) may be raised within a lot zoned R-1 residential (one- and two-family), a lot zoned R-2 residential (one- and two-family), or R-2S residential (one-family), provided there is a use as a single-family or two-family; upon application to the Plan Commission and permit.
    - 1. Rental tenants of a single-family dwelling or a one-two family dwelling that is zoned R-1, R-2, or R2S shall obtain written approval from the landlord prior to the keeping or maintaining of chickens on the rental premise. The landlord's written approval must accompany the applicant's permit application.
  - b. No owner or tenant shall own, keep or maintain chickens within the Town under subparagraph 3 above without first obtaining a permit through application to the Plan Commission. A permit shall be subject to the following requirements:

1. An Initial permit is due and payable, and approval by the Town Planning Commission is required, prior to acquiring and keeping chickens in the Town of Grand Rapids.
  2. During the initial application process, the Town will notify property owners within a 500-foot radius of an applicant's lot, of an applicant's intention to keep or maintain chickens. Notification of property owners shall not be required for renewal of a permit as long as the permit is kept current and has not lapsed.
  3. The permit year shall commence on January 1, and shall end on the following December 31, and shall be renewed annually.
  4. A permit granted shall not transfer to any other property or successor owners of a permitted property. A new permit must be applied for.
  5. Proof of a livestock premises registration with the Wisconsin Department of Agriculture, Trade, and Consumer Protection must be provided prior to the permit being issued.
  6. The annual permit fee for keeping and maintaining chickens shall be set by Town policy for said permit as per Ordinance 39 – "Schedule of Fees and Forfeitures," and must be paid to the Town at the time of application. This fee shall not be prorated.
  7. All renewal permits are due and payable to the Town no later than January 31 of the permit year. Any lapse in permitting shall require the applicant to meet all of the initial permit requirements as set forth above.
  8. A permit acquired under this subsection may be revoked by the Plan Commission upon its finding, after notice to the permit holder of the meeting at which revocation will be considered, that the terms of this ordinance or a permit issued thereunder have been violated.
- c. Any person keeping chickens under subparagraph 3 above, shall keep or maintain chickens within a coop or attached coop enclosure at all times. Newborn chickens (chicks) up to the age of three (3) weeks may be kept in a residence or outbuilding. Property and coop requirements for permitted chickens under subparagraph 3 above shall be subject to the following:
1. A coop and any attached enclosure shall be located in the side or rear yard area of the permit holder's residence and shall meet all applicable Town Ordinance setback

requirements for accessory buildings. A drawing of the coop and any attached enclosure and their locations shall be submitted with the permit application.

2. A coop and any attached enclosure shall not be closer than 25ft. to a residential dwelling on an adjacent lot.
  3. All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable state and local requirements. Chickens are not permitted to have free range.
  4. All coops, including an attached coop enclosure, shall be enclosed with wire netting or equivalent material that will prevent chickens from escaping the coop or the attached enclosure. The ability to utilize wire netting or equivalent materials shall only be for the limited purpose of the coop and coop enclosure; wire netting is not to be used as a boundary fence. All other fencing must adhere to the fencing regulations found within Town Ordinance section 52.3(J).
  5. The coop structural floor shall allow at least four (4) square feet per chicken, and the height of the coop shall not exceed six (6) feet above ground level.
  6. The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab.
- d. Sanitation requirements for permitted chickens under subparagraph 3 above shall be subject to the following:
1. Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential premise or dwelling, except as provided in subsection 8.11(A)(3)(c).
  2. Chicken feed shall be stored and kept in containers, which make the feed inaccessible to rodents, vermin, wild birds, and other predators.
  3. All coops and backyards where chickens are kept or maintained shall be reasonably free from chicken manure and other substances, such that the air or environment around the chickens does not become noxious or offensive or create a condition that would reasonably promote the breeding of flies, mosquitoes, or other insects, or provide a habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.
  4. Any person keeping chickens shall not slaughter any chickens on the premises.

5. The Town shall have the power, whenever it may deem reasonably necessary, to enter a building, structure, or property where chickens are kept to ascertain whether the keeper is in compliance with this ordinance. The police department and the zoning department may issue compliance orders and citations pursuant to the provisions of this section, and state law.
  - 4) This section is not intended to interfere with any restrictive covenants otherwise applicable to certain properties in the Town.
  - 5) Chickens may be temporarily allowed for special purposes such as a public-picnic and other special events upon approval of the Town Board.
  - 6) Any person keeping chickens allowed under this ordinance shall consult with a veterinarian regarding chickens that appear ill, or on the occasion of a sudden death. If a disease that would be contagious to humans is diagnosed, recommendations to insure prevention or transmission of a disease must be followed as recommended by the veterinarian.
- B. Stables and Barns.
- 1) Except in the Agricultural (A) District, animals shall be provided a shelter under roof appropriately sized to accommodate the specific animal in a humane manner.
  - 2) No stable or barn in which agricultural animals are kept or maintained shall be located within 300 feet of a neighboring dwelling or platted area. In addition, stables, barns, or beehives shall meet normal accessory structure setbacks from property lines and rights-of-way.
  - 3) A minimum of 100 square feet of shelter is required for each "animal unit".
  - 4) Agricultural animals shall be enclosed in a pen or corral.
  - 5) Fences for pens, corrals, pasture or similar enclosures must be of sufficient height and strength to retain such animals.
  - 6) No fence shall be located within 200 feet of a neighboring dwelling.
- D. Sanitation and health.
- 1) Manure, bedding compost and other waste materials must not be piled or allowed to accumulate closer than 75 feet from any lot line and 140 feet from any neighboring residences.
- E. The keeping of wild, dangerous, or vicious animals shall not be allowed.

## 8.12 PENALTIES

Any person who violates any of the provisions of this Ordinance shall, upon conviction, be

subjected to forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution.

**This ordinance shall take effect from and after the date of its passage and publication as provided by law.**

## **HISTORY**

### **Declaration/Ordinance/Resolution No**

### **Dated**

#### **RESOLUTION NO:**

	10-June-1970-1997
2005-08	13-September-2005
2006-07	23-May-2006
2009-37	8-September-2009
2011-28	14-June-2011
2012-16	12-June-2012
2012-27	9-October-2012
2014-06	8-April-2014
2014-30	9-September-2014
2017-25	11-July-2017

## ORDINANCE 8

### An Ordinance to Establish the Grand Rapids Animal Code

#### 8.2 DEFINITIONS

- A. Agricultural Animals; Animals which are used for the production of food or other products. Agricultural animals shall include cattle, hogs, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Wisconsin.

B. Animal unit;	<u>Animal Unit</u>
1) 1 Slaughter Steer or Heifer	1.0
2) 1 Horse	1.0
3) 1 Mature Dairy Cow	1.4
4) 1 Swine over 55 pounds	0.4
5) 1 Sheep or Goat	0.5
6) 1 Turkey	0.1
7) 1 Chicken	0.1
8) 1 Duck	0.2

- Off-spring of allowed animals under the age of 6 months shall not be counted.
- For animals not listed in this table, the number of animal units shall be defined as the average weight of the animal divided by 1000 pounds.

#### 8.11 OTHER REGULATION

- A. Agricultural Animals.

- 1) The keeping of agricultural animals in the Agricultural (A) zoning district is a permitted use.
- 2) The keeping of agricultural animals in any other zoning district is limited to parcels of land that are at least 5 acres and is further subject to the following limit:
  - a. A limit of one animal unit per 2 acres of grazable acreage land.
- 3) Notwithstanding subparagraph 2) above, chickens (roosters are prohibited) may be kept or maintained upon the following:
  - a. Up to six (6) chickens (.6 animal units) may be raised within a lot zoned R-1 residential (one- and two-family), a lot zoned R-2 residential (one- and two-family), or R-2S residential (one-family), provided there is a use as a single-family or two-family; upon application to the Plan Commission and permit.

1. Rental tenants of a single-family dwelling or a one-two family dwelling that is zoned R-1, R-2, or R2S shall obtain written approval from the landlord prior to the keeping or maintaining of chickens on the rental premise. The landlord's written approval must accompany the applicant's permit application.
- b. No owner or tenant shall own, keep or maintain chickens within the Town under subparagraph 3 above without first obtaining a permit through application to the Plan Commission. A permit shall be subject to the following requirements:
1. An Initial permit is due and payable, and approval by the Town Planning Commission is required, prior to acquiring and keeping chickens in the Town of Grand Rapids.
  2. During the initial application process, the Town will notify property owners within a 500-foot radius of an applicant's lot, of an applicant's intention to keep or maintain chickens. Notification of property owners shall not be required for renewal of a permit as long as the permit is kept current and has not lapsed.
  3. The permit year shall commence on January 1, and shall end on the following December 31, and shall be renewed annually.
  4. A permit granted shall not transfer to any other property or successor owners of a permitted property. A new permit must be applied for.
  5. Proof of a livestock premises registration with the Wisconsin Department of Agriculture, Trade, and Consumer Protection must be provided prior to the permit being issued.
  6. The annual permit fee for keeping and maintaining chickens shall be set by Town policy for said permit as per Ordinance 39 – "Schedule of Fees and Forfeitures," and must be paid to the Town at the time of application. This fee shall not be prorated.
  7. All renewal permits are due and payable to the Town no later than January 31 of the permit year. Any lapse in permitting shall require the applicant to meet all of the initial permit requirements as set forth above.
  8. A permit acquired under this subsection may be revoked by the Plan Commission upon its finding, after notice to the permit holder of the meeting at which revocation will be considered, that the terms of this ordinance or a permit issued thereunder have been violated.
- c. Any person keeping chickens under subparagraph 3 above, shall



keep or maintain chickens within a coop or attached coop enclosure at all times. Newborn chickens (chicks) up to the age of three (3) weeks may be kept in a residence or outbuilding. Property and coop requirements for permitted chickens under subparagraph 3 above shall be subject to the following:

1. A coop and any attached enclosure shall be located in the side or rear yard area of the permit holder's residence and shall meet all applicable Town Ordinance setback requirements for accessory buildings. A drawing of the coop and any attached enclosure and their locations shall be submitted with the permit application.
  2. A coop and any attached enclosure shall not be closer than 25ft. to a residential dwelling on an adjacent lot.
  3. All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable state and local requirements. Chickens are not permitted to have free range.
  4. All coops, including an attached coop enclosure, shall be enclosed with wire netting or equivalent material that will prevent chickens from escaping the coop or the attached enclosure. The ability to utilize wire netting or equivalent materials shall only be for the limited purpose of the coop and coop enclosure; wire netting is not to be used as a boundary fence. All other fencing must adhere to the fencing regulations found within Town Ordinance section 52.3(J).
  5. The coop structural floor shall allow at least four (4) square feet per chicken, and the height of the coop shall not exceed six (6) feet above ground level.
  6. The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab.
- d. Sanitation requirements for permitted chickens under subparagraph 3 above shall be subject to the following:
1. Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential premise or dwelling, except as provided in subsection 8.11(A)(3)(c).
  2. Chicken feed shall be stored and kept in containers, which make the feed inaccessible to rodents, vermin, wild birds, and other predators.
  3. All coops and backyards where chickens are kept or maintained shall be reasonably free from chicken manure and other substances, such that the air or environment around the chickens does not become noxious or offensive or create a condition that would reasonably promote the

breeding of flies, mosquitoes, or other insects, or provide a habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.

4. Any person keeping chickens shall not slaughter any chickens on the premises.
  5. The Town shall have the power, whenever it may deem reasonably necessary, to enter a building, structure, or property where chickens are kept to ascertain whether the keeper is in compliance with this ordinance. The police department and the zoning department may issue compliance orders and citations pursuant to the provisions of this section, and state law.
- 4) This section is not intended to interfere with any restrictive covenants otherwise applicable to certain properties in the Town.
  - 5) Chickens may be temporarily allowed for special purposes such as a public-picnic and other special events upon approval of the Town Board.
  - 6) Any person keeping chickens allowed under this ordinance shall consult with a veterinarian regarding chickens that appear ill, or on the occasion of a sudden death. If a disease that would be contagious to humans is diagnosed, recommendations to insure prevention or transmission of a disease must be followed as recommended by the veterinarian.

B. Stables and Barns.

- 1) Except in the Agricultural (A) District, animals shall be provided a shelter under roof appropriately sized to accommodate the specific animal in a humane manner.
- 2) No stable or barn in which agricultural animals are kept or maintained shall be located within 300 feet of a neighboring dwelling or platted area. In addition, stables, barns, or beehives shall meet normal accessory structure setbacks from property lines and rights-of-way.
- 3) A minimum of 100 square feet of shelter is required for each "animal unit".
- 4) Agricultural animals shall be enclosed in a pen or corral.
- 5) Fences for pens, corrals, pasture or similar enclosures must be of sufficient height and strength to retain such animals.
- 6) No fence shall be located within 200 feet of a neighboring dwelling.

D. Sanitation and health.

- 1) Manure, bedding compost and other waste materials must not be piled or allowed to accumulate closer than 75 feet from any lot line and 140 feet from any neighboring residences.

E. The keeping of wild, dangerous, or vicious animals shall not be allowed.

## **8.12 PENALTIES**

Any person who violates any of the provisions of this Ordinance shall, upon conviction, be subjected to forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution.

**This ordinance shall take effect from and after the date of its passage and publication as provided by law.**



Wisconsin Department of Agriculture, Trade and Consumer Protection  
Livestock Premises Registration (c/o WLIC)  
135 Enterprise Dr., Ste. 100  
Verona, WI 53593-0202  
Fax: 608-848-4702

If Registered Enter

Acct #

Premises Code

## Livestock Premises Registry Application

(S. 95.51, Wis. Stats. and ch. ATCP 17, Wis. Adm. Code)

Please return completed form to the address listed above.

### A. Registrant information

If registrant is a business, provide the legal name of that business.

Name of individual (first name, middle initial, last name) * OR legal name of business (or other legal entity) *		Registrant phone* ( )	
All trade or other names*, if any (d/b/a or "doing business as")		County*	
Mailing address*	City/Village/Town*	State*	Zip code*
Registrant type: check one			
<input type="checkbox"/> Individual (includes a pet owner or 'hobby farm')	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> State or local government entity	<input type="checkbox"/> Tribal entity	<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
		<input type="checkbox"/> Limited Liability Company (LLC)	<input type="checkbox"/> Limited Liability Partnership (LLP)

### B. Contact information

List the name of the Primary Contact for the premises. "Primary contact" is the individual who best knows about livestock movement on and off or between the premises locations being registered and can be contacted if there is an animal disease emergency. Check applicable box for each phone number type. If contact does not have a phone number, see instruction sheet.

Primary contact name and phone number * - Fill in below.			
First Name	Middle Initial	Last Name	
Primary contact phone ( )	<input type="checkbox"/> Home <input type="checkbox"/> Business <input type="checkbox"/> Cell <input type="checkbox"/> Pager	Backup Phone ( )	<input type="checkbox"/> Home <input type="checkbox"/> Business <input type="checkbox"/> Cell <input type="checkbox"/> Pager
Alternate contact name and phone number - Fill in below (OPTIONAL).			
First Name	Middle Initial	Last Name	
Alternate contact phone ( )	<input type="checkbox"/> Home <input type="checkbox"/> Business <input type="checkbox"/> Cell <input type="checkbox"/> Pager	Backup Phone ( )	<input type="checkbox"/> Home <input type="checkbox"/> Business <input type="checkbox"/> Cell <input type="checkbox"/> Pager

### C. Address of primary premises location\*

If the primary location does not have an address, see instruction sheet.

Description of location (Examples: "milking barn" or "pasture")				
Premises Address: Check here if same as mailing address in Section A and skip to Section D <input type="checkbox"/>				
City/Village/Town		State WI	Zip code	County
O P T I O N A L	Township number (1 - 53N)	Range number (20W - 30E)	Section number (1-36)	1/4 Section
	Geographic coordinates		Geographic coordinates	
	West (Longitude) (must be between 86.000 and 94.000)		North (Latitude) (must be between 42.000 and 48.000)	

### D. Livestock premises type\*

Check ONE that best applies. If your premises has more than one type of operation, see instruction sheet.

<input type="checkbox"/> Farm or production unit (includes hobby farm)	<input type="checkbox"/> Livestock exhibition	<input type="checkbox"/> Clinic	<input type="checkbox"/> Market or livestock collection point	<input type="checkbox"/> Rendering or carcass collection point
<input type="checkbox"/> Slaughter establishment	<input type="checkbox"/> Tagging site	<input type="checkbox"/> Laboratory	<input type="checkbox"/> Quarantine facility	<input type="checkbox"/> Non-producer participant (See instruction sheet for definition and examples)

All information with an asterisk (\*) is required under s. 95.51, Wis. Stats. and s. ATCP 17.02, Wis. Adm. Code., unless otherwise specified.

Continued on next page

<b>E. Types of livestock or livestock carcasses on premises and any secondary locations*</b> Check ALL that apply.				
Bovine -- please specify:		<input type="checkbox"/> Fish (includes all fish kept at a fish farm that requires registration under s. ATCP 10.61)		
<input type="checkbox"/> Beef Cattle		<input type="checkbox"/> Goats		
<input type="checkbox"/> Dairy Cattle		<input type="checkbox"/> Poultry (includes domesticated fowl like chickens, turkeys, geese, ducks, guinea fowl, squab, ratites like rheas, ostriches, emus, cassowaries, kiwi, and captive game birds like pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds raised for hunting, which are raised in captivity)		
<input type="checkbox"/> Bison		<input type="checkbox"/> Sheep		
<input type="checkbox"/> Camelids (includes llamas and alpacas)		<input type="checkbox"/> Swine		
<input type="checkbox"/> Captive cervids (includes deer, elk, moose, caribou, reindeer, and the subfamily musk deer)				
<input type="checkbox"/> Equine (includes horses, mules and donkeys)				

  

<b>F. Secondary locations</b> (if applicable)* If your premises has more than one location (but the same contact individual), you may list up to three secondary locations here. (Example: a dairy farm may list its heifer and dry cow facilities below as two secondary locations because they are at separate geographical locations, yet the contact individual is the same for all locations AND livestock are commingled.) Additional premises need to be registered separately (see instruction sheet).				
Description of location (Example: "dry cow facility -- 3 miles west of main premises")				
Address	City/Village/Town	State <b>WI</b>	Zip code	County

  

Description of location (Example: "heifer facility -- 5 miles southeast of main premises")				
Address	City/Village/Town	State <b>WI</b>	Zip code	County

  

Description of location				
Address	City/Village/Town	State <b>WI</b>	Zip code	County

  

<b>G. Signature</b>	
I declare that I have examined this registration application, and to the best of my knowledge it is true and correct.	
_____ Signature of registrant or authorized representative	_____ Date
_____ Print name of person signing	_____ Title of person signing (Examples: "livestock owner" or "Vice President, XYZ Farms, Inc.")

All information with an asterisk (\*) is required under s. 95.51, Wis. Stats. and s. ATCP 17.02, Wis. Adm. Code.

**Additional livestock premises registration forms may be obtained by calling (888) 808-1910.**



[illegible]

## Village Admin

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**From:** Erik Saylor  
**Sent:** Tuesday, January 24, 2023 2:27 PM  
**To:** erdmannsix@gmail.com  
**Cc:** Village Admin  
**Subject:** Chickens in the Village  
**Attachments:** GR Chicken-Information-Packet.pdf

Amanda,

Thanks for the email and sorry about the lateness of getting back to ya, i had to do a little digging. As the chairman of the PLPIT committee questions about ordinances in the village fall on my committee. So I had to look up what we had on the books as far as approved ordinances already. The closest example that we found was from the Public Nuisance section in chapter 10 and a piece in the Public Health section in chapter 11:

**10.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village**

**(2) UNBURIED CARCASSES. Carcasses of animals, birds or fowl not intended for human consumption, or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.**

**(10) NOISY ANIMALS OR FOWL. 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 Village.**

### **In Public Health Chapter 11**

**(u) Noxious and/or Offensive Waste means those wastes that are unwholesome or have an unpleasant smell or are otherwise noxious and/or offensive, such as manure, filth, slop, carcasses, carrion meat, fish, entrails, hides and hide scrapings, paint, kerosene, oil or greasy substances, and objects that may cause injury to any person or animal or damage to vehicles such as barbed wire, briar thorns or similar materials. The term "manure" herein shall not include the excrement/fecal waste of domesticated animals allowed in residentially zoned parcels provided such excrement/fecal waste is properly packaged and disposed of so as to not leak, leach or spill into the garbage container**

**11.06 REGULATION OF PETS IN RESIDENTIAL DISTRICTS. (Added 4/10/07 – See Ordinance #9) (1) DEFINITION. A pet is defined as a large animal such as a dog or cat older than five months of age, not to include small animals such as fish or birds. (2) RESTRICTION. On any R-1 or R-2 zoned property, no more than four pets, three of which can be dogs, may be kept on any property**

The biggest issue that i see is having the chickens housed at a residentially zoned property versus an agricultural zoned property, is the space requirements. I know Grand Rapids just went through some ordinances changes last year because some of the residents wanted chickens and they approved that a property could have up to six chickens for a residential lot sized at 5 acres or more, apply and pay for the proper permits (renewed annually), enclosed in a coop at all times (not closer than 25ft from any dwelling or lot line) and some other sanitation things as well. Ive attached their "chicken packet and ordinance" for reference. Im still going to look for Nekoosa and Wisconsin Rapids examples as well.

Each month my committee reviews a different chapter from the ordinance book to review and request changes as need be and at this months meeting we will be discussing chapter 10, public nuisances. If you would like to talk about reasons why you think the village ordinances should be changed to allow chickens on residential properties, I invite you to our next meeting which is scheduled next Wednesday, Feb 1 @ 4:30 at the Marshall Bueller building (connected to the Police station) or you can connect via zoom also, below is the agenda and the zoom link:

Join Zoom Meeting

<https://us06web.zoom.us/j/81798343922?pwd=OEFqSzZnT09pTGhNueGxGUGV6REV0UT09>



Meeting ID: 817 9834 3922, Passcode: 056547, One tap mobile +16465588656

1. Call to order.
2. Roll call.
3. Approve the agenda.
4. Approve minutes from the 4 January 2023 meeting.
5. Public comments on agenda items.
6. Chairperson comments.
7. Discuss and Review Chapter 10, Public Nuisance, MOTION to approve changes to Chapter 10. Administrative changes concerning who appoints Village staff positions.
8. Discuss "Chickens- Fowl" in the Village and the rules governing them.
9. Discuss Development options in the TIF district and incentives utilizing TIF funding
10. Discuss the Resolution supporting the NEPCO lake district formation, MOTION to approve.
11. Discuss old Business
12. Discuss New Business
13. Discuss any correspondence
14. Future Agenda Items
15. Next meeting date, 8 March 2023, 4:30 pm at the Marshall Buehler center
16. Adjourn

If you have any other questions, please let me know.

Erik Saylor

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**From:** Amanda Erdmann [erdmannsix@gmail.com]  
**Sent:** Friday, December 30, 2022 2:56 PM  
**To:** Erik Saylor  
**Subject:** Chickens in the Village

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hey Erik,

I have been doing some research about the benefits of chickens in urban environments. Some includes pest control and reduction in food waste in our landfills. One article stated that a city gave each home 3 chickens and saw a 75% reduction in waste.

I would like to ask for approval for all village residents to have 3 or less in their backyards. Unlike the article, I believe the cost for chickens should be on the homeowners who wish to have backyard chickens.

Thank you for your time and consideration.

Amanda Erdmann  
252-624-5260



# ***VILLAGE BOARD RESOLUTION NO. 2023-01***

## **VILLAGE OF PORT EDWARDS WOOD COUNTY, WISCONSIN**

### **RESOLUTION SUPPORTING THE ESTABLISHMENT OF A NEPCO LAKE DISTRICT FOR TAXING PURPOSES AND LAKE MAINTENANCE OPERATIONS**

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT EDWARDS, WOOD COUNTY, WISCONSIN, A MUNICIPAL CORPORATION:

WHEREAS, The Village of Port Edwards supports the establishment of the NEPCO lake District, boundaries established by the map attached.

WHEREAS, The Village of Port Edwards working in conjunction with the NEPCO lake District Board will annually establish the Millage rate or flat rate determined by the Voting members of the district and those rates will be published on the annual Tax bills.

WHEREAS, The Village of Port Edwards will be allotted 1 seat, to be filled by the Village President and approved by the Village Board for a 1–3-year assignment on the NEPCO lake District Board.

WHEREAS, The Village of Port Edwards has reviewed the Citizen petition presented that included over 279 parcels and 258 eligible signatures and had a positive response rate of 65% as of 1 Jan 2023. This includes the majority parcel owners of the Pavloski development company and DOMTAR.

WHEREAS, The Village of Port Edwards has determined that parcels owned by the Pavloski development company (unsold/undeveloped parcels) will be exempt from any annual fees. The individual owned developed parcels and 1 collective undeveloped parcel (representing all the unsold and undeveloped parcels) will be the only parcels assessed a tax fee on the developer. Also, the DOMTAR (riparian and lake bed), parcels will be designated as EXEMPT parcels and thus never charged any Lake District fees unless they change ownership or development status.

NOW THEREFORE BE IT RESOLVED, the Village of Port Edwards agrees with the establishment of the NEPCO lake District as of the date below.

Adopted the 14<sup>th</sup> of February 2023.  
VILLAGE OF PORT EDWARDS  
WOOD COUNTY, WISCONSIN

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Joseph H. Zurfluh, Village President

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Diane M. Tremmel, Village Clerk

By a Vote of: \_\_\_\_\_ in Favor, \_\_\_\_\_ Opposed, \_\_\_\_\_ Abstain