

## VILLAGE OF PORT EDWARDS

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

Wednesday, 5 July 2023

3: 00 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/87036885707?pwd=bNlMmpWRXZ6ckl1MlovZkhxejlmZ09>

Meeting ID: 870 3688 5707, Passcode: 644633, One tap mobile, +13052241968

**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 6 JUNE 2023 meeting.
5. Public comments on agenda items.
6. Chairperson comments.
7. Discussion on NEPCO lake HOA roads
8. Discussion and Update Nepco lake transition
  - Taxing plan
  - Trash Service, Brush removal, Roads
  - General Government services
9. Update Lake District
  - NEPCO lake District Chairman will present an update in writing for review
10. Chapter 8 changes regarding special assessment language, Possible MOTION to approve the administrative changes
11. Update and possible motion on chapter 5.13 changes, provided by Village attorney
12. Update and possible motion on donation policy provided by Village attorney
13. Discuss Old Business
14. Discuss New Business
15. Discuss any correspondence
16. Future Agenda Items
17. Next meeting date, 1 AUGUST 2023, 4 pm at the Marshall Buehler center
18. Adjourn

Tiara Grunden - Chairman

VILLAGE OF PORT EDWARDS  
Port Edwards, Wisconsin

COMMITTEE: Planning,  
Legislative, Property,  
Information Technology

DATE: June, 6, 2023

TO: BETSY MANCL

cc: JOSEPH ZURFLUH  
DAILY TRIBUNE  
WFHR/WGLX  
JASON WORDEN

ERIK SAYLOR  
CALEB MCGREGOR  
SCOTT DREW  
LONN RADTKE

JEN MOORE  
TIARA GRUNDEN  
NICK ABTS

Purpose of Meeting: **Regular Monthly Meeting**

Attendance: T. Grunden, C. McGregor, J. Moore,

Citizens: Nick Abts, Janet Smith (Heartland Properties- Ripple Creek Apartments) Paul Kennedy (Intern)

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

1. ***Call to order:*** Meeting called to order by Grunden at 4:00 p.m.
2. ***Roll Call:*** All Present.
3. ***Approve the previous months minutes and Agenda:*** **MOTION** (Grunden/2<sup>nd</sup> McGregor) to approve minutes of the May 2, 2023 meeting and the agenda. Motion carried.
4. ***Public comments on agenda items:*** None
5. ***Committee Chairman's comments:*** None
6. ***Discuss/Action on Chapter 8 of the Village Ordinances- Public Works***
  - Discuss and Review Chapter 8 Public Works, Possible MOTION to approve changes to Chapter 8. Administrative changes and updates to outdated rules
  - The committee is not prepared to move forward with the motion at this time. The committee would like to hear an update on the status of the planning for the roads of the Nepco Lake HOA communities. We would like to wait to hear from the administrator for an explanation of the thought process.
7. ***Discuss and Review Chapter 1 General Government, Possible MOTION to approve changes to Chapter 1. Administrative changes and updates to accountability of the Board and other elected officials.***

- No action taken at this time. Committee would like further explanation from the Administrator

***8. Discuss and review Chapter 5 – Fire department, section 5.13 regarding language on Athletic Association. Possible MOTION to approve the recommended changes.***

- No action taken. Village Attorney will work on providing suggested language to change 5.13.

***9. Discuss and review Chapter 2, Village Board, specifically referring to recorded meetings. Possible MOTION to approve the language changes.***

- Recommended Changes to 2.06 (6) (c) All Village meetings, to the extent possible and reasonably practical, will be recorded for the public use and the historical record. These will be archived on the Village of Port Edwards “Utube” page <https://www.youtube.com/@villageofportedwardswi> and posted on the Village website.
- **MOTION** by Grunden/Moore to approve the language changes 2.06 (6) (c) All Village meetings, to the extent possible and reasonably practical, will be recorded for the public use and the historical record. These will be archived on the Village of Port Edwards “youtube” page <https://www.youtube.com/@villageofportedwardswi> and posted on the Village website.

***10. Discussion and Possible MOTION to approve language regarding donations to the Village.***

- No action at this time. The committee requested of the Village Attorney to create a donation policy.

***11. Ripple Creek Apartment discussion and Possible MOTION to approve transfer to Property Management for a payment of \$4604 and ending the 50-year lease.***

- Ms. Smith presented the case from Heartland stating they would like to purchase the Ripple Creek properties for the amount of \$4,604. The buildings don't have a mortgage and she explained that the reason is they are 30 years into the 50 year lease and they don't believe they can continue for 20 more years. She stated that the property is struggling and will be needing mechanical updates soon as they are 30 years old. She stated we should give it to them and they can get it back on the market and back on the tax roll.
- It was determined that the buildings are currently being taxed under personal property tax. The only part that is not on the tax roll is the approx 3 acres of land. Between the personal property taxes and the lease payments we likely would receive less revenue annually by selling it to them. It was also discussed that it didn't make sense to sell for that small amount of only \$4,604.
- After some discussion the committee decided not to take any action.

**12. Correspondence received:** Email from Eric Hummel- See Below.

**13. Future Agenda Items:** Donation policy, Update on Nepco transition planning, Chapter 8, Chapter 1

**14. Next meeting date:** 5 July, 2023 at 4:00pm

**15. Adjourn:** Adjourned at 5:46pm.

Tiara Grunden – Chairman

MEMO----

Ms Gruden:

I am writing to you in your capacity as Chair Person of the Port Edwards Village Planning, Legislative, Property & Information Technology Committee.

About two months has gone by without an update from Port Edwards on how the matter of the NEPCO Lake roads on the east side of the lake will be addressed once the area is returned to Port Edwards jurisdiction on January 1, 2024. I appreciate the matter of how the roads will be managed has several aspects to resolve. However, an update on progress would be appreciated. The last information shared was in an April 10 Transition meeting and a brief discussion at the April 22 Board Strategy meeting. A May NEPCO Lake Transition meeting was “penciled in” but did not take place.

It seems like a long time has past for “discussing this with our Attorney and internal to present a way ahead,” without some concrete results or options. My fear is that the questions being asked are mostly around **what** are the problems and **what** is the cost of taking over the roads versus **How** are we going to transfer the roads to Port Edwards in the spirit of providing similar “Incomparable Village Services” to all our residents.

I see the NEPCO Lakes roads matter is not on the April 6th PLPIT Meeting agenda. Could the NEPCO roads be mentioned under the Old Business agenda item with a request that the Village Administrator provide an update by the next full Board meeting that includes options on addressing the matter?

I appreciate the work the PLPIT Committee and the entire Board has driven to date on the transition of the NEPCO Lake properties back to Port Edwards. The roads issue is one where 90+% responding to a survey at the time of the Lake District petitions were sent were in favor of the roads becoming part of Port Edwards along with the properties. The actual surveys were delivered to the Village Administrator in late March. I have a survey summary by individual property and person including comments made if the actual surveys are desired and unavailable to the Committee.

There is no need to respond in writing to this email. I plan on attending the June 6 PLPIT meeting.

Regards,

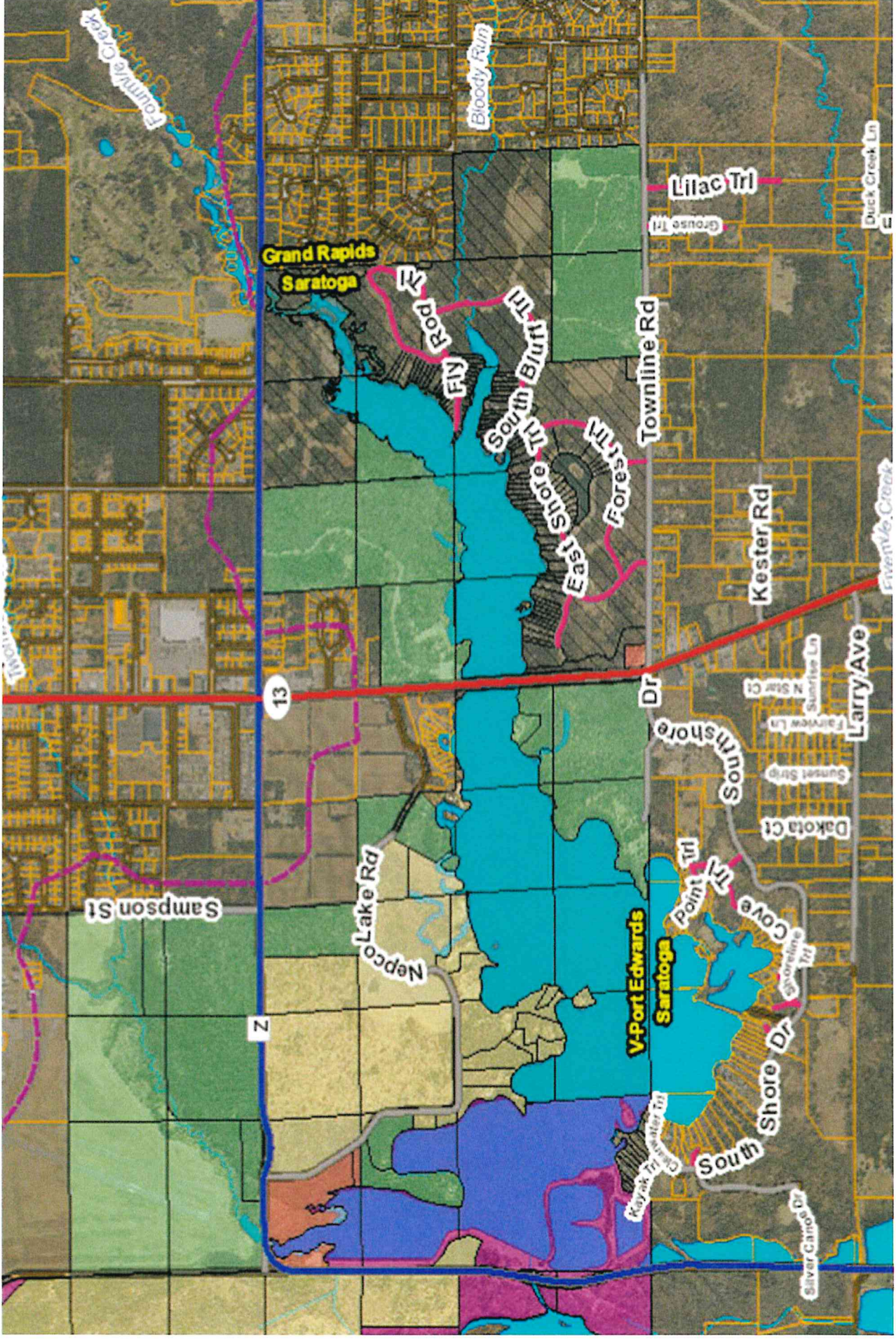
Eric Hummel  
1691 South Bluff Trail

Eric J. Hummel  
ejhummel15@gmail.com  
415 269-0743

# NEPCO LAKE



NEPCO Lake Zoning Map (APR 2021)





# Boundary Agreement Summary

- ON 31 DEC 2023, The Village will assume control over the properties around NEPCO lake. In our initial conversations with the County here are the data points we are using in our preparations.
- We will resume responsibility for over 470 acres, 161 properties, 40 of those have houses on them.
- They are valued at \$13.7M (\$11.9M) in land value and \$8.2M (\$7.9M) in improvements, over \$21.9M (\$20M in 2021- 10% increase) in assessed value added to our tax base.
  - (Expectations were at \$90M+)
- NO New Funding in 2024 due to past year tax collection procedures ie. we will receive our usual allocation in 2024-, new taxes in 2025.
- Obviously, values will either increase or decrease over the next year as well as new construction but for now we are planning to increase our Property Tax revenue by \$250K starting in 2025. Estimated Taxes and values are well below Projected goals.



# Summary 2

- We may be responsible for over 2.5 Miles of new road networks, pending HOA authority. Issues with the Right of Way required.
  - **UNDER DISCUSSION**
  - Chip seal or Crack Fill existing network= \$200K
  - Mill and Overlay existing network= \$350K
  - Extend road by 4 feet and add shoulders as well as 3" surface layment= \$500K
  - Potential shoulder/Culvert repairs= possible \$250K
- A storm water removal system including some detention ponds.
  - **No issues**
- As for water and wastewater, all the systems are either on a well or septic system so no increase there in our capacity.
  - **NO Issues**
- Also, our waste removal costs will increase by \$15-25K to include those residents into our existing contracts.
  - **Will add to contract in 2025- they will be included at NO Cost for 2024.**

# Summary 3

- We are still defining our direct responsibility for the actual lake and regular maintenance (shoreline, bulk heads, public docks, weed removal, etc...). The lake District resolves this issue as a taxing authority that can collect approx. \$75K annually for maintenance issues.
- We will be planning for a Village NEPCO lake safety center for police and fire equipment along Town line Road that would cost approx. \$150K- \$500K in construction built in 2022-2023. TABLED
  - Intent:
    - Forward placed equipment to save travel costs
    - A well and hydrant system to aid in insurance costs
    - A meeting place for Citizens
    - A Storage area for Village supplies / Equipment

## Village Admin

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**From:** Chairman NEPCOLakedistrict  
**Sent:** Monday, June 26, 2023 5:56 PM  
**To:** Betsy Mancl; Village Admin  
**Subject:** FW: NEPCO Lake District Update

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**From:** Chairman NEPCOLakedistrict  
**Sent:** Monday, June 26, 2023 5:51 PM  
**To:** Tiara Grunden  
**Cc:** Jen Moore; Caleb McGregor; betsy.mencl@portedwardswi.gov; Villageadministrator@portedwardswi.gov  
**Subject:** NEPCO Lake District Update

Chair Person Gruden:

Below is a quick NEPCO Lake District update, as requested for the 5 July PLPIT meeting:

- \* 62 property owners voted unanimously to approve funding for 2023 lake district activities at a 12 June Special Meeting.
- \*We intend to pilot the use of weed harvesting equipment on portions of the lake this July and August, assuming the equipment lease agreement is completed with the Pavloskis.
- \*We will also be able to pay for the equipment preparation repairs without a Promissory Note from Port Edwards. We appreciate the offer.
- \*We have funding such that the Aquatic Plant study and the Lake Management Plan will be paid without the tabled offer from the PLPIT to advance us the expense. Thank you for the consideration.
- \*We are applying for 2024 grants with the Wood County Economic Development Fund and the Department of Natural Resources.
- \*The Initial Board is preparing for the first Annual meeting on 12 August where the 2024 Budget will be up for a vote and the three appointed Board Members will be voted upon for staggered terms over three years.

We again thank the PLPIT Committee and the Village Board for the ongoing partnership and cooperation with the NEPCO Lake District.

I plan on attending your 5 July meeting and can respond to Committee questions as needed.

Regards,

Eric J Hummel  
415 269-0743



## Village Admin

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**From:** Eric Hummel <ejhummel15@gmail.com>  
**Sent:** Monday, June 26, 2023 3:36 PM  
**To:** Tiara Grunden  
**Cc:** Jen Moore; Betsy Mancl; Erik Saylor; Lonn Radtke; Caleb McGregor; Joseph Zurfluh; Village Admin  
**Subject:** A Go Forward request for action on the NEPCO Lake roads

**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.**

Ms Grunden:

I am writing to you as the PLPIT Committee Chair and a Trustee of the Port Edwards Village Board. My thoughts and requests below are as a citizen living on the East side of NEPCO Lake.

I respectfully request the PLPIT Committee consider a motion to approve the transfer of the current private roads in our neighborhood to the jurisdiction of the Village of Port Edwards effective after the transfer of land parcels are returned to the Village of Port Edwards at Midnight, December 31, 2023 or on January 1, 2024.

The matter of these roads has been the subject of brief discussions by the Board since the April 23, 2022 Strategic meeting. There have been occasional references during Board meetings as part of Village Administrator reports and it was once again briefly alluded to at the April 22, 2023 Strategic Meeting. The concept of same the service offerings to NEPCO Lake citizens to what is provided to current Village residents as been a common mantra.

It has been over three months since there has been a concrete update on matters an attorney has been investigating about the roads. I read a draft addition to Ordinance, Chapter 8 Public Works at the June 6 PLPIT meeting, ostensibly to set up a "Special Charges" option for impacted HOA's concerning the roads if transferred to Port Edwards. There are potential flaws in the draft addition related to HOAs. More importantly, the drafting of an ordinance addition regarding the roads, while well intended, is in the opposite order of what is good practice and is directly counter to the Simon Sinek YouTube clip shared at the April, 22 Strategic meeting about the design and consumer adoption value of starting with a **WHY** proposition, moving to the **WHAT**, and then to the **HOW**. The adoption of a potential ordinance at this time is a **HOW** without a clear Board position on the **WHY** and the **HOW**.

The following is one approach your Committee and then the Village Board could consider as a path forward..

### **WHY**

Transferring the private roads to Port Edwards aligns with stated Village Mission, Vision, Values, and Goals. The impacted residents are in clear support to do so as well.

Mission - **The Village of Port Edwards provides exceptional services to all our residents equally** incorporating detailed and transparent messaging and including citizen input. This is all done with a dedicated, professional, ready and relevant staff.

Vision - **HOMETOWN FEEL, SMALL TOWN VALUES**

Organizational Values - Safe & secure environment, fiscal responsibility, Educational & Environmentally focused, **Incomparable Village Services, Family friendly**, and a professional, ready & relevant staff.

Goals - **NEPCO Lake Development** among 5 additional Goals

90%+ of the parcel residents completed a November 2022 - January 2023 survey in favor of the roads being transferred to Port Edwards. The original survey forms were given to the Village in March, 2023. The transfer will ease the reaction to a significant tax increase.

## WHAT

1. A motion at the July 5 PLPIT Committee to forward a Motion to the Village Board (the missing directive per the email below) that the Village transfer the private roads to Port Edwards.
2. A Motion at the July 11 Village Board to approve transferring the private roads to Port Edwards and to have 3 or more options created regarding **how** to manage the investment of the transferred roads to be presented to the August PLPIT Committee meeting (see the **HOW** below).

## HOW

Examples of options to accomplish the transfer:

- Funds set aside during the 3 - 5 years out timeline to add a chip layer to the current estimated 3 miles of roads (estimated cost \$160K according to the Village Administrators comments at the June 13, 2023 Village Board meeting).
- Use the 19 cents tax assessment to the NEPCO lake properties (13 cents Water Dept & 6 cents Wastewater Dept. per dollar of unused services by the lake residents. 19% of the estimated \$250,000 in newly generated tax revenue = \$48,000 per year) to apply to NEPCO Lake road maintenance fund built over the 3 -5 year timeline.
- Create a 10 year plan for transferred road maintenance that would be included in road budget planning.

Then:

The PLIPT Committee approves a motion to forward one or a combination of options to the Village Board for Approval at the August or September Village Board meeting.

Then the Village Board approves an approach to fund the road maintenance to occur in 3 - 5 years.

I appreciate the ongoing investment in transitioning the NEPCO Lake area back to Port Edwards. I am looking forward to becoming an official citizen of Port Edwards and am willing to assist as you desire.

Regards,  
Eric J. Hummel  
ejhummel15@gmail.com  
415 269-0743

On Jun 20, 2023, at 2:03 PM, Village Admin <villageadmin@portedwardswi.gov> wrote:

Because I am still awaiting legal guidance on language for the roads and HOAs and I have no NEW directive from the Village Board on NEPCO lake issues, I will postpone the meeting tomorrow at Noon. It was not posted but wanted to get the word out. Possibly later this month.



Raymond "Boz" Bossert MPA, MSS  
ICMA- Credentialed Manager  
Colonel (Ret) USA Engineer  
Village Administrator  
[villageadmin@portedwardswi.gov](mailto:villageadmin@portedwardswi.gov)  
Village of Port Edwards, WI  
Cell 715-315-0304  
Office 715-887-3511

FACEBOOK <https://www.facebook.com/villageofportedwards>  
Village WEBSITE [Village of Port Edwards \(wi.gov\)](http://Village of Port Edwards (wi.gov))

**CHAPTER 8**  
**PUBLIC WORKS**

**UPDATED ~~11 APRIL~~ 11 JULY 2023**

- 8.01 Official Map
- 8.02 Street Grades
- 8.03 Street and Sidewalk Excavations and Openings
- 8.04 Obstructions and Encroachments
- 8.05 Snow and Ice Removal
- 8.06 Utility Extensions Required
- 8.07 Public Improvements and Assessments
- 8.08 Special Assessment Procedure
- 8.09 Driveways
- 8.10 Public Construction Bidding
- 8.11 Moving Buildings
- 8.12 Planting and Care of Trees
- 8.15 Penalty

## CHAPTER 8 - PUBLIC WORKS

Updated 11 April July 2023

### 8.01 OFFICIAL MAP.

- (1) ADOPTED. Pursuant to §62.23(6), Wis. Stats., the Official Map of the Village adopted July 1, 2002 is hereby adopted by reference. The Official Map and amendments thereto shall be kept in the office of the Clerk-Treasurer and recorded as required by law. ~~Where is the MAP???~~ See MAP attached of the Village.
- (2) AMENDMENTS TO OFFICIAL MAP.
- (3) ANNEXATIONS TO VILLAGE.

Commented [NA1]: Good question, I was curious about this myself.

### 8.02 STREET GRADES.

- (1) ESTABLISHMENT. The grade of all streets and alleys shall be established or reviewed by the Village ~~Engineer~~ Administrator and approved by the Village Board. No street or alley shall be worked or sidewalk constructed until the grade thereof is established.
- (2) ALTERATION OF GRADE PROHIBITED. No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, in the Village unless authorized or instructed to do so by the ~~Village Board or the Village Administrator Engineer~~. All such alterations of grade shall be recorded in the office of the Clerk-Treasurer.

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### 8.03 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

- (1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the Village ~~Administrator Engineer~~, make any opening in any street, alley, sidewalk or any public way within the Village. No permit shall be granted when the ground is frozen unless the Director of Public Works determines such opening is necessary.
- (2) APPLICATION. Application for a permit shall be made on a form supplied by the Village ~~Administrator Engineer~~. The application shall be accompanied by a signed agreement to save the Village harmless from any liability arising from the work or activity covered by the permit, the fee provided in sub. (3) below and a written description of the work, including a sketch designating the trench location.
- (3) FEE. The permit fee shall be as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer.
- (4) INSURANCE. A certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.
- (5) REQUIREMENTS FOR THE PROTECTION OF THE PUBLIC. Every permittee shall enclose each opening which he may make in the streets or public ways of the Village with sufficient barricades and barricade lights in order to warn the traveling public.
- (6) EXCAVATION, REFILLING AND REPAVING REQUIREMENTS. The permittee shall comply with all Public Works Committee rules and regulations governing excavation, refilling and repaving and shall be responsible for any costs incurred by the Village. The permittee shall make a determination whether or not sheathing and bracing shall be required. Any damage to curbs and gutters, grass covered terraces and sidewalks shall be restored. The permittee shall notify the Director of Public Works when repaving has been completed. In the event settling occurs within one year of the completion of the project, the permittee shall be responsible for restoring the street.
- (7) EMERGENCY EXCAVATIONS AUTHORIZED. In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall immediately notify the Director of Public Works and shall apply for an excavation permit not later than the end of the next succeeding business day.
- (8) VILLAGE WORK EXCLUDED. The provisions of this section shall not apply to excavation work done by Village employees or contractors performing work under contract with the Village necessitating excavation in Village streets.

## CHAPTER 8 - PUBLIC WORKS

Updated 11 April July 2023

### 8.04 OBSTRUCTIONS AND ENCROACHMENTS.

#### (1) PROHIBITED.

- (a) No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in sub. (2) below.
- (b) No person shall rake leaves **onto** a Village street, except during the leaf collection period established by the Village. See sec. 11.03(10)(e) of this Code.
- (c) No person shall cause the obstruction of the free flow of water in any gutter, ditch or swale.

#### (2) EXCEPTIONS. The prohibition of sub. (1) above shall not apply to the following:

- (a) Signs or clocks attached to buildings which project not more than 6 feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street and alley.
- (b) Awnings that do not extend below any point 7 feet above the sidewalk, street or alley.
- (c) Public utility encroachments authorized by the village.
- (d) Goods, wares and merchandise that do not extend more than 3 feet on a sidewalk.
- (e) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Public Works Committee. It may require such materials to be protected by barricades or appropriate lights.
- (f) Excavations and openings permitted under sec. 8.03 of this chapter.

### 8.05 SNOW AND ICE REMOVAL.

- (1) SIDEWALKS TO BE KEPT CLEAR. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village fronting or abutting any street shall clean, or cause to be cleaned, the sidewalk in front of or adjoining each such building or unoccupied lot of snow or ice to the width of such sidewalk and to the street surface within **24 hours after the cessation of a snowstorm or -last Village plowing effort (whichever has occurred most recently)**. When the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, ashes, sawdust or sand.
- (2) DEPOSIT IN STREET PROHIBITED. No person shall deposit, or cause to be deposited, any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.
- (3) REMOVAL BY VILLAGE. The failure to remove or the deposit of any snow or ice upon any sidewalk, alley or street of the Village contrary to the provisions of this section shall be and is declared to be a nuisance and, in addition to the penalty provided for violation of this section, the Village may summarily remove any snow so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice has been removed. If not paid within 30 days, such charge shall be extended upon the current or next tax roll as a charge for current services, as provided in §66.0627, Wis. Stats.

### 8.06 UTILITY EXTENSIONS REQUIRED. All utilities and sewer and water mains and service laterals to the abutting property shall be installed before any street is permanently surfaced or resurfaced.

### 8.07 PUBLIC IMPROVEMENTS AND ASSESSMENTS.

#### (1) GENERAL APPLICATION.

- (a) The installation of any public improvement shall be an exercise of the police power of the Village, as may from time to time be determined by the Village Board, and the property served shall be assessed pursuant to the provisions of §§66.0703 and 66.0701, Wis. Stats., **if deemed appropriate by the Village Board.**

## CHAPTER 8 - PUBLIC WORKS

Updated 11 April July 2023

However, as of 17 August 2021, Resolution #2021-05 (Enacting the Motor Vehicle Registration Infrastructure fee) ~~All Village assessments have been waived, except in special those circumstances deemed appropriate by the Village Board to be appropriate circumstances requiring assessment. Those circumstances are:~~

~~- A developer improving parcels~~

~~- A unique parcel that has certain requirements (straddling zoning districts, oversized, involving environmental issues, etc...)~~

~~- An HOA established for improvements.~~

~~- Any new construction outside the existing Village Infrastructure Footprint~~

~~These and potentially other circumstances would be presented to the Public Works Committee for discussion and motion to the full board for action.~~

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(b) ~~If a special assessment is deemed appropriate by the Village Board,~~ The total cost of any public improvement to be paid in whole or in part by special assessment shall include the direct and indirect costs reasonably attributable thereto including, but not limited to, materials, supplies, labor, equipment, site preparation and restoration, damages occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.

(c) ~~If a special assessment is deemed appropriate by the Village Board,~~ The total assessment for any public improvement shall be based upon the total cost, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited on a fair and equitable basis.

~~(d.) Appropriate circumstances used to assist the Village board in their determinations shall be any improvements in Home Owner Association controlled parcels, any new construction or major renovations expanding the size or use of a parcel by a developer or home builder, and any improvements that are outside of the current Village infrastructure footprint of water, sanitation and storm water services, (ie NEPCO lake parcels, Seneca Road or some portions of Port Road). In these circumstances a special assessment from 0-100% can be levied by the Village if approved by the Village Board.~~

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### (2) SEWER AND WATER MAINS.

(a) All sewer and water main extensions shall be constructed by the Village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.

(b) ~~If a special assessment is deemed appropriate by the Village Board,~~ ~~s~~Special assessments for all sewer and water main extensions shall be levied at 100% of the total cost of construction.

### (3) STREETS.

(a) Streets shall be constructed by the village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.

(b) Except as provided in Ch. 19 of this Code, the cost of all streets shall be borne by the Village. ~~In certain circumstances with new developments the developer will be required to install new roadway per Village standards to provide access to the development at their cost.~~

Commented [NA2]: What are the "certain circumstances" here and where can they be found? You say they "will be required" to install new roadway, but if that's the case, it's got to be in writing somewhere that the "certain" circumstances are.

### (4) CURB AND GUTTER.

(a) Curb and gutter shall be located in such places and at such grades designated by the Village Board and shall be constructed by the Village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.

(b) ~~If a special assessment is deemed appropriate by the Village Board,~~ ~~Speeial-special~~ assessments for all new curb and gutter shall be levied at 100% of the total cost. ~~However in most situations, The cost of replacement curb and gutter shall be borne by the Village.~~

### (5) SIDEWALKS.

(a) The sidewalk shall be located in such places and at such grades as designated by the Village Board and shall be constructed in accordance with standards established by the Village Board.



## CHAPTER 8 - PUBLIC WORKS

Updated 11 April July 2023

- (b) ~~If a special assessment is deemed appropriate by the Village Board, Special special~~ assessments for all new sidewalks shall be levied at the total cost. ~~However in most situations, The cost of replacement sidewalk shall be borne by the Village.~~

### 8.08 SPECIAL ASSESSMENT PROCEDURE.

- (1) ALTERNATE METHOD SELECTED. As provided in §66.0701, Wis. Stats., in addition to other methods provided by law, special assessments for any public work or improvement may be levied by alternate methods. The Village Board hereby elects to levy such special assessments as provided in this section.
- (2) PRELIMINARY RESOLUTION. ~~As of 17 August 2021, Resolution #2021-05 (Enacting the- Motor Vehicle Registration Infrastructure Fee), All Village assessments- have been waived, except in special circumstances, deemed appropriate by the Village Board.~~ Whenever the Village Board shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:
  - (a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.
  - (b) The limits of the proposed assessment district.
  - (c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.
  - (d) The number of installments in which the special assessments may be paid, or that the number of installments shall be determined after the public hearing required by sub. (4) below, and shall be included in the final resolution.
  - (e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and shall be included in the final resolution.
  - (f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property, or that such terms will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.
  - (g) The Village ~~Engineer-Administrator~~ shall prepare a report as required by sub. (3) below.
- (3) REPORT OF VILLAGE ~~Administrator~~ **ENGINEER**. Whenever the Village Board, by preliminary resolution, directs the Village ~~Administrator-Engineer~~ to prepare a report, the Village ~~Administrator-Engineer~~ shall prepare a report consisting of the following:
  - (a) Preliminary or final plans and specifications for the public work.
  - (b) An estimate of the entire cost of the proposed work or improvement, except that when the Village Board determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvement, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.
  - (c) A schedule of the proposed assessments.
  - (d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis for such benefit.
  - (e) Upon completion of the report, the Village ~~Administrator-Engineer~~ shall file a copy of the report with the Clerk-Treasurer.
- (4) INCORPORATION OF STATUTORY PROVISIONS. The provisions of §66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.
- (5) LIEN. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Village Board determining the amount of such levy.

### 8.09 DRIVEWAYS.

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- (1) PERMIT REQUIRED. No person shall construct or enlarge any driveway onto a Village street without first obtaining a driveway permit from the Village Administrator ~~Director of Public Works~~. The applicant for a driveway permit shall file the application with the ~~Director~~ Administrator and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 150 feet of the proposed driveway.
- (2) SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.
  - (a) Width. No driveway shall exceed 30 feet in width for residential and 42 feet for nonresidential at the outer or street edge of the sidewalk unless approved by the Village Board.
  - (b) Interference With Intersections Prohibited. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals. All applications providing for location of a driveway within 50 feet of an intersection in residential districts and 150 feet in commercial and industrial districts shall be submitted to the Village Board. The Board shall approve or disapprove the granting of the permit upon determining whether or not such driveway would be detrimental to traffic control and safety.
  - (c) Interference With Street Prohibited. No driveway apron shall extend out into the street farther than the face of the curb or roadway surface.
  - (d) Other Driveways. No driveway shall be located within 10 feet of another driveway.
  - (e) Number of Driveways Limited. No more than one driveway shall be constructed for any residential lot or premises without the approval of the Village Board.
  - (f) Workmanship and Materials. All driveway entrances and approaches, which are constructed across sidewalks, shall be paved in accordance with the requirements for sidewalk construction in sec. 8.07(5) of this chapter. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat workmanlike manner.
- (3) CULVERTS REQUIRED. The Public Works Director shall determine if a culvert shall be required and the length and diameter thereof in conjunction with any driveway construction. The property owner shall be responsible for the cost of the culvert and installation.

### 8.10 PUBLIC CONSTRUCTION BIDDING.

- (1) GENERAL. Except as provided in sub. (2) below, all Village public construction contracts shall be let in accordance with §62.15, Wis. Stats. ~~Any Public public works construction project, over \$25,000 in cost shall be bidded by the Village. This will involve proper noticing and at least 2 bidders. The Bids-bids will then be compared with the same comparable tools (Costcost, Referenceesreferences, Timelinetimeline, Extra-extra Serviceservices, last project conducted in the Village, Administrator's assessment). Projects costing less than \$25,000 shall be left to sourced by the Village Administrator to be sole-sourced, or bidded by the Village at the option of the Village Board or its duly authorized representative.~~
- (2) STREET CONSTRUCTION. Pursuant to §62.15, Wis. Stats., the Village Board hereby determines that Village street construction shall be done directly by the Village by contracting for such construction with Wood County without submitting the same for bids.

### 8.11 MOVING BUILDINGS.

- (1) PERMIT REQUIRED. No person shall move any building or mobile home into or within the Village without a permit from the Director of Public Works and a building permit from the Building Inspector upon 30 days' notice.
- (2) APPLICATION. Application for a permit shall be made on a form provided by the Director of Public Works.
- (3) PERMIT FEE. For any building that is moved by use of heavy moving trucks or rollers, the fee shall be \$100. For any building that is moved by the use of common carrier trucks or skids, the fee shall be \$10.

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- (4) **BOND REQUIRED.** Before a permit is issued, the mover must give a bond in the amount of \$10,000 with good and sufficient sureties to be approved by the Village Attorney conditioned that the mover shall save the Village harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived for small buildings.
- (5) **INSURANCE REQUIRED.** Before a moving permit shall be issued, the applicant shall submit to the Clerk-Treasurer a certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.
- (6) **NOTICE TO UTILITIES.** Prior to the issuance of said permit, the owner or mover shall certify that he has notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the permittee the cost thereof.
- (7) **INSPECTION AND REPAIR OF STREETS AND HIGHWAYS.** Every permittee shall, within one day after reaching his destination, report that fact to the Director of Public Works. The Director shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of said building has caused any damage to the streets or highways, the house mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter to the satisfaction of the Public Works Committee, the Village shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

### **8.12 PLANTING AND CARE OF TREES.**

- (1) **DUTIES OF DIRECTOR OF PUBLIC WORKS.** The Director of Public Works shall plant, trim, spray preserve and remove trees, plants and shrubs located along the streets and boulevards and other public places of the Village to ensure the safety and preserve the symmetry and beauty of such public places. The Director of Public Works is hereby given all the rights, powers and duties as set forth in §27.09, Wis. Stats.
- (2) **ORDER TO PRESERVE OR REMOVE TREES ON PRIVATE PROPERTY.** The Director of Public Works shall order the trimming, preservation or removal of trees, plants and shrubs located on private property when he shall determine such action is necessary for public safety or to prevent the spread of disease or insects. (See also sec. 10.08 of this Code).
- (3) **PLANTING AND CARE BY PRIVATE PERSONS.** No person shall spray, remove or plant any trees, plants or shrubs on any public street or in any public place without securing a permit from the Director of Public Works.
- (4) **DUTIES OF PRIVATE OWNERS.** It shall be the duty of any person growing a tree, plant or shrub on any private property abutting on public streets or public places:
  - (a) To trim them to create a clearance of 14 feet above the street and 8 feet above the sidewalk so that they are not a hazard to persons using the streets, or sidewalks or to interfere with the proper lighting of the streets. The Director of Public Works may waive the requirement for newly planted trees if the Director determines that no interference with public travel is created.
  - (b) To treat or remove any tree, plant or shrub which the Director of Public Works shall determine is diseased or insect-ridden or a hazard to trees or persons using the streets.
  - (c) To remove and prohibit planting any tree, plant or shrub designated by the State Department of Agriculture and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest.
  - (d) To prohibit planting or permitting the growth of any box elder, cottonwood or willow tree.
  - (e) To prohibit planting any tree which may grow to a mature height of 18 feet or more under overhead electric wires. The Director of Public Works shall provide a list of trees that may be planted.

The owners of any property may arrange to have any tree, plant or shrub sprayed, trimmed or removed by the Village and pay for such service at the rates established by the Village Board.

- (5) **FAILURE TO COMPLY.** When a person to whom an order is directed shall fail to comply within the specified time, the Director of Public Works shall remedy the condition or contract with others for such purpose and shall

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charge the cost thereof to the owner of the property to whom the order is directed. The person remedying a condition under a contract made hereunder shall have authority to enter upon the premises for that purpose.

- (6) MAINTENANCE OF NUISANCES. In addition to other remedies provided for herein, any diseased, dangerous or insect-ridden tree, plant or shrub is hereby declared a public nuisance and may be removed as such.
- (7) SPECIAL ASSESSMENT. The ~~Director of Public Works~~ Village Administrator shall notify the property owner of the cost of remedying any condition hereunder and if the same is not paid within 30 days thereafter, it shall be a lien upon such property and collected as a special assessment.

**8.15 PENALTY.** The penalty for violation of any provision of this chapter shall be a penalty as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

**CHAPTER 5**  
**FIRE DEPARTMENT**  
**(Amended 1 December 2022)**

- 5.01 Composition of Department
- 5.02 Appointments
- 5.03 Government of Department
- 5.04 Compensation
- 5.05 Department Budget
- 5.06 Powers and Duties of Chief
- 5.07 Control and Care of Apparatus
- 5.08 Police Power of Department
- 5.09 Fire Inspectors
- 5.10 Village Fire Prevention Code; Adoption of Codes
- 5.11 Right of Way
- 5.12 Traffic Laws Apply to Volunteers
- 5.13 Activities Organization and Fund Raising
- 5.14 Open Burning Regulated
- 5.15 Hazardous and Other Spills
- 5.16 Emergency Medical Service
- 5.20 Penalty



**5.01 COMPOSITION OF DEPARTMENT.** The Department shall be known as the "Village of Port Edwards Fire Department" and shall consist of the Fire Chief and such subordinates as may be authorized by Department bylaws.

**5.02 APPOINTMENTS.**

- (1) FIRE CHIEF. See sec. 1.02 of this Code.
- (2) OTHER OFFICERS; SUBORDINATES. Other officers and subordinates shall be ~~appointed~~ promoted by the Fire Chief ~~when not elected in accordance with Department bylaws,~~ with the approval of the Police and Fire Commission.

**5.03 GOVERNMENT OF DEPARTMENT.** The Department shall be governed by the bylaws of the Department, Village ordinances ~~and~~, resolutions, the Police and Fire Commission rules and the Wisconsin Statutes.

**5.04 COMPENSATION.** Members of the Department shall receive compensation in the amount and in the manner determined from time to time by the Village Board.

**5.05 DEPARTMENT BUDGET.** The Fire Chief shall file with the Village Administrator, as requested, a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

**5.06 POWERS AND DUTIES OF CHIEF.**

- (1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the Department. The Chief shall provide or be accountable for the safety of the members of the Department. The Chief shall also obey all lawful written orders of the Village President as approved by the Village Board.
- (2) PRESIDING OFFICER. The Chief or, in his absence, the highest ranking staff officer shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise, and enforce the provisions of this chapter and the bylaws.
- (3) COMMAND OF FIREFIGHTING OPERATIONS. The Chief or, in his absence, the highest ranking line officer shall be present at all fires, if possible, and have complete command and entire accountability for all firefighting operations, plan the control of the same, direct the action of the Department when it arrives at a fire, observe that the Department does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the Department equipment is kept in operable condition at all times.
- (4) DISCIPLINARY ACTION. The Fire Chief shall, in accordance with the Department bylaws, have the power to suspend, demote, ~~expel~~ or otherwise discipline members of the Department, subject to the determination by the Police and Fire Commission. A non-probationary fire employee may only be terminated after a hearing held before the Police and Fire Commission. ~~appeal to the Village Board.~~
- (5) ENFORCEMENT OF FIRE PREVENTION ORDINANCES. The Chief shall enforce all fire prevention ordinances of the Village and the State laws and regulations pertaining to fire prevention and shall have a formal fire prevention program.
- (6) FIRE RECORDS. The Chief shall keep fire records, using the State form, of every fire to which the Department was called.
- (7) APPARATUS INVENTORY. The Chief shall keep an inventory of all apparatus and equipment.
- (8) DUTIES AS COMMANDING OFFICER. The Chief shall perform such other duties as are usually incumbent on the commanding officers of fire departments.

**5.07 CONTROL AND CARE OF APPARATUS.**

- (1) The Fire Chief shall have control of all apparatus used by the Department and shall be accountable for its operable maintenance. Emergency repairs may be authorized by the Chief or, in his absence, the highest-ranking officer available. If additional funds are needed for repairs, a request shall be made to the Village Board.
- (2) No apparatus shall be used for any purpose except for firefighting that is within the Village limits or in training therefore, except pursuant to contracts and mutual aid agreements approved by the Village Board. The Chief may authorize the use of apparatus for civic purposes.

**5.08 POLICE POWER OF DEPARTMENT.**

- (1) **POLICE AUTHORITY AT FIRES/EMS CALLS.** The Fire Chief and his assistants or officers in command at any fire are hereby vested with full and complete police authority. Any member of the Department may report to the proper authorities any person failing to give the right of way to the Fire Department in responding to the fire or EMS call.
- (2) **CONTROL OF FIRE DEPARTMENT EMERGENCIES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firefighters, EMS personnel and police officers and those admitted by order of the Chief shall be permitted to enter. The Chief may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire, the Chief may order the removal or destruction of any property necessary to prevent the further spread of the fire. The Chief may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department.
- (3) **ENTERING PREMISES.** Any firefighter, while acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property when the Chief reasonably believes such entry is required for the protection of persons or property. If any person shall hinder, resist or obstruct any firefighter or EMS personnel in the discharge of his duty, as is hereinbefore provided, the person so offending shall be deemed guilty of resisting the firefighter or EMS personnel in the discharge of his duties.
- (4) **DUTIES OF BYSTANDERS.** Every person who shall be present at a fire or EMS call shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or removing or guarding property. Such officer may cause the arrest of any person refusing to obey such orders.
- (5) **DAMAGE OR DESTRUCTION OF EQUIPMENT PROHIBITED.** No person shall willfully damage or destroy, in any manner, any equipment belonging to the Fire Department or the Village and no vehicle or railroad equipment shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

**5.09 FIRE INSPECTORS.**

- (1) **FIRE CHIEF TO BE FIRE INSPECTOR.** The Fire Chief shall hold the office of Fire Inspector with the power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.
- (2) **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.

- (3) **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.
- (4) **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.
- (5) **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.

**5.10 VILLAGE FIRE PREVENTION CODE; ADOPTION OF CODES.** The following chapters of the Wisconsin Administrative Code, Rules of the Department of Commerce, are hereby adopted by reference and made a part of this Code.

COMM 10	Flammable and Combustible Liquids Code
COMM 11	Liquefied Petroleum Gas Code (Gold)
COMM 12	Liquefied Petroleum Gas Handbook (Blue)
COMM 14	Fire Prevention Code
COMM 16	Wisconsin State Electrical Code
COMM 20-25	Uniform Dwelling Code
COMM 28	Detection and Alarm Systems
COMM 30	Fire Department Health and Safety Standards
COMM 50-64	Building and Heating Ventilating and Air Conditioning Code
COMM 70	Historic Building Code
NFPA 10	Portable Fire Extinguishers
NFPA 13	Installation of Sprinkler Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 30A	Auto and Marine Service Station Code
NFPA 58	Storage and Handling of Liquefied Petroleum Gases
NFPA 70	National Electric Code
NFPA 80	Fire Doors and Windows
NFPA 101	Safety to Life From Fire in Buildings and Structures
NFPA 101M	Alternative Approaches to Life Safety
NFPA 211	Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances
NFPA 385	Tank Vehicles For Flammable and Combustible Liquids
NFPA 395	Standard For the Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects
NFPA 1031	Fire Inspector Professional Qualifications Wisconsin Fire Chiefs Guide Book

Copies of all applicable Federal, State and County codes, statutes and ordinances used in the operations of the Fire Department are adopted by reference and are on file in the office of the Fire Chief or are available through Federal, State, County or Village government and the National Fire Prevention Association.

- 5.11 RIGHT OF WAY.** The officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire, shall have the right of way over all other vehicles upon Village streets when giving visual and audible signal, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such emergency vehicles, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such emergency vehicles shall have passed. Except when actually responding to a fire alarm or other emergency call, or when on duty at a fire, the emergency vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applicable to other vehicles.
- 5.12 TRAFFIC LAWS APPLY TO VOLUNTEERS.** All firefighters and EMS personnel, when responding to a fire call or EMS call with a private vehicle, shall comply with all traffic regulations.
- 5.13 ACTIVITIES ORGANIZATION AND FUND RAISING.**
- (1) **ACTIVITIES ORGANIZATION.** Members of the Department may organize an activities organization and elect officers provided that social activities are not funded from Village funds unless approved by the Village Board.
  - (2) **FUND RAISING.** The members may raise funds for special activities. Monies raised by members shall be kept in a special fund and used as directed by the membership, and shall be audited annually by the Village Auditor.
  - (3) **PROPERTY OWNERSHIP.** The Department membership may own property and equipment purchased by monies earned by fund raising events. If the membership disbands through a majority vote of its members, all apparatus, equipment, buildings and land shall become the property of the Village.
- 5.14 OPEN BURNING REGULATED.**
- (1) **PROHIBITED BURNING.** It shall be unlawful to burn leaves and trash of any kind.
  - (2) **RECREATIONAL BURNING.** Open recreational burning is permitted in a fire pit; a minimum 3-sided enclosure; or a gas, electric or charcoal kettle, subject to the following:
    - (a) The fire is monitored by a responsible person until the fire is extinguished or burns out.
    - (b) The fire is not lit on windy days or when atmospheric conditions will endanger the public health or safety.
    - (c) The fire is located off the public right of way and in excess of 30 feet from the residence of another.
    - (d) The fire is not used for the covert burning of plastic, rubber, garbage or other offensive materials.
  - (3) **BURNING BY PERMIT.** Burning permits for burning brush in nonresidential areas may be issued by the Fire Chief. Burning permits for residential areas may be approved by the Village Board.
  - (4) **LIABILITY.** Any person open burning, whether permitted or not, which results in a response by the Village Fire Department shall be billed for the cost of such response.
- 5.15 HAZARDOUS AND OTHER SPILLS.** See Ch. 9 of this Code.
- 5.16 EMERGENCY MEDICAL SERVICE.** Emergency medical service is provided pursuant to a contract approved by the Village Board.
- 5.20 PENALTY.** Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty, as provided in sec. 25.04 of this Code.