



LEGISLATIVE/LICENSING COMMITTEE MEETING

**Tuesday, April 4, 2023, at 4:15 p.m.
Caledonia Village Hall – 5043 Chester Lane**

1. Call to Order
2. Approval of Minutes
3. Title 3, Chapter 2, Special Assessments – proposed revisions
4. Title 15, Chapters 3, 4, 5, 6, 7, 8 & 12 - proposed revisions
5. Discussion on formation of Ad-hoc committee(s) for specialized tasks as referred from Village Board 2/28
6. Adjournment

Dated March 31, 2023

Joslyn Hoeffert
Village Clerk

Only committee members are expected to attend. However, attendance by all Board members (including non-members of the committee) is permitted. If additional (non-committee) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows:

If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body.

To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a “meeting” within the meaning of Wisconsin’s open meeting law. Nevertheless, only the committee’s agenda will be discussed. Only committee members will vote. Board members who attend the committee meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

**LEGISLATIVE/LICENSING COMMITTEE MEETING
CALEDONIA VILLAGE HALL
5043 CHESTER LANE, RACINE, WI 53402
Tuesday, February 14, 2023**

1. Call to Order

Trustee Martin called the meeting to order at 4:15 p.m. In attendance were:

Committee Members: Trustee Martin, Trustee Stillman, and Trustee Weatherston (Sat in for Trustee Folk).

Absent: Trustee Folk was excused.

Staff/Others Present: Village Clerk Joslyn Hoeffert, Village Attorney Elaine Ekes, and Village Attorney Rebecca Shepro.

2. Approval of minutes

Trustee Stillman motioned to approve the minutes as printed from January 3, 2023. Seconded by Trustee Weatherston. Motion carried unanimously.

3. Approval of New Class A Combo Liquor License/Caledonia C-Store, LLC/Trade Name - Sai Mart Caledonia – 13600 7 Mile Road/Dwarika Singh, Agent

The LLC for this business had changed, which requires the business to apply as a new liquor license holder. The business filed all necessary applications with the Clerk's Office and is in compliance with all inspections.

Motion by Trustee Weatherston to approve New Class A Combo Liquor License/Caledonia C-Store, LLC/Trade Name - Sai Mart Caledonia – 13600 7 Mile Road/Dwarika Singh, Agent and to forward to the Village Board for final approval. Seconded by Trustee Stillman. Motion carried unanimously.

4. Approval of New Class A Combo Liquor License/Billy's LLC/Trade Name – Billy's – 414 3 Mile Road/Balvir Singh, Agent

Balvir Singh was present today. He filed all necessary applications with the Clerk's Office and is in compliance with all inspections. The Clerk's Office recommends approval for this new Liquor License.

Motion by Trustee Stillman to approve Approval of New Class A Combo Liquor License/Billy's LLC/Trade Name – Billy's – 414 3 Mile Road/Balvir Singh, Agent and to forward to the Village Board for final approval. Seconded by Trustee Weatherston. Motion carried unanimously.

5. Review of Non-Submission of Amended Class B Combo Liquor License Application by Burgey's Pub & Grill/Melissa Urban, Agent at 8619 East Frontage Road

**LEGISLATIVE/LICENSING COMMITTEE MEETING
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There was a search warrant executed at Burgey's, 8619 East Frontage Road. During the search warrant, they found alcohol in the basement which was not listed on their liquor license application. Another error in their application was that Melissa and her father were both listed as Agents. The Clerk's office sent two letters and gave Melissa a deadline of when the amended application needed to be filed with the Clerk's Office. As of today, the Clerk's office did not receive an amended application. Melissa is present today and states that she mailed the amended application on January 29th. She has brought the amended application to this meeting today.

Motion by Trustee Weatherston to accept the amended application for the Class B Combo Liquor License Application by Burgey's Pub & Grill/Melissa Urban, Agent at 8619 East Frontage Road and to forward to the Village Board for final approval. Seconded by Trustee Stillman. Motion carried unanimously.

6. Adjournment

There being no further business, Motion by Trustee Stillman to adjourn the meeting at 4:29 p.m. Seconded by Trustee Weatherston. Motion carried unanimously.

Respectfully submitted,
Megan O'Brien
Deputy Village Clerk

Redlined Current Ordinance with revisions incorporating provisions from the sample ordinance from Atty. Alan Marcuvitz.

The current ordinance refers to Wis. Stat. Sec. 66.0703 but also restates portions of the statute as to administrative and procedure and supplement on other portions of the statute. Drafting question: Do you want to just refer to the statute or restate and supplement? After the committee reviews and provides direction, we should reorganize the sections in an order that makes sense with changes to headings.

DRAFT:

SEC. 3-2-1 PURPOSE

The Village regularly installs public infrastructure improvements, such as streets, water mains and sewers at Village cost. In some instances none of such costs should be recouped by either special assessment or connection charges. In some instances, to recover an appropriate share of such costs, special assessment procedures should be used. In other situations, an appropriate cost share should be recovered through the imposition of connection charges.

Sec. 3-2-2 STATEMENT OF INTENT; VILLAGE-GENERAL SPECIAL ASSESSMENT GUIDING PRINCIPLES BOARD MAY LEVY SPECIAL ASSESSMENTS.

- (a) The ~~TownVillage-~~ of Caledonia by resolution of its ~~TownVillage-~~Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement.
- (b) ~~The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the TownVillage Board.~~
- (b) The Village will levy special assessments, when appropriate to do so, under and pursuant to Wis. Stats. § 66.0703.
- (c) In an appropriate case, the Village will levy special assessments under the taxing power of the Village, within a limited and determinable area, for special benefits conferred, but not in excess of the value of the special benefits conferred.
- (d) In an appropriate case, the Village will levy special assessments under the police power of the Village, within a limited and determinable area, for special benefits conferred, upon a reasonable basis and in proportion to the benefits accruing.

Drafter's Note: See attachment with explanation on taxing power versus police power.

- (e) All special assessments will be apportioned fairly and equitably among properties in similar situations, taking into consideration the uniqueness of individual properties.

(f) Special assessments will only be levied for a local improvement. If a project provides both a community-wide and a local improvement, only the local improvement component will be considered in levying special assessments. In determining whether an improvement is local, in whole or in part, the Village will refer to the then-current Village Comprehensive Plan and other relevant information.

Drafter's Note: A example of taking into account a "community-wide" benefit would be taking into consideration the oversizing of a utility and the oversizing costs being born by the municipality and not assessed to the local property owners. Another example is the construction of a recreation trail and assessing none of the costs to the adjacent/abutting property owner because the benefit is to the whole of the community.

(g) For all special assessments, the Village will consider whether special benefits have the effect of furnishing an uncommon advantage, which either increases the services provided to the property, or otherwise enhances its value. An uncommon advantage must be a benefit that differs in kind, rather than in degree, from benefits enjoyed by the general public.

(h) The Village will not levy a special assessment against any property that is exempt from special assessment under Wisconsin Statutes.

(i) In considering any special assessment for a corner property, the Village will allow a deduction or exemption where the property is already benefitted by the same improvement on the abutting street or (for example the property is already served by sewer via the abutting street) a special assessment has previously been levied for the same improvement in an abutting street.

(j) The special assessment costs may include the direct and indirect construction costs, the resulting damages, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the Village, the cost of any architectural, engineering and legal services and any other item of direct or indirect cost that may reasonably be attributed to the proposed work or improvement. The Village Board may include costs incurred when private property is acquired for a public project.

(k) In considering any special assessment, the formula to be used may be any recognized formula, or combination thereof.

(l) In considering any special assessment, costs to be included for calculation of the special assessment will be reduced by the costs added for oversized facilities.

(m) In considering any special assessment, the Village will give consideration to the presence of wetlands, flood plains, conservation easements and similar factors affecting property.

(n) In the situation of property owners in a discrete developed area who petition the Village to extend an improvement to serve their properties, if the owners of 51% or more of the group of properties to be served by the improvement agree to be specially assessed, all of the properties in the group will be subject to special assessment.

Drafter's note: the above is not an area requirement. It is a percentage of number of owners requirement.

(o) Special assessments may be deferred in certain limited situations.

(p) The Village will periodically review its special assessment payment plan, for installments and interest rates. The current policy is as follows:

Special Assessments shall be paid in full, or in annual installments. Assessments also may be prepaid, partially or in whole, after the installment method has been selected. The number of annual installments in which an assessment is to be paid will be determined in the Preliminary Assessment Resolution, based on the total amount of the assessment, and in accordance with the following:

- (1) If the assessment is less than \$400, the assessment shall be paid in one payment, within 90 days of completion of project.
 - (2) If the assessment is at least \$400.01 to \$1,500, the assessment shall be paid in five annual installments.
 - (3) If the assessment is greater than \$1,500.01, the assessment shall be paid in 10 annual installments, as determined in the preliminary assessment roll. In no event, shall the assessment installments be for a period longer than 10 years.
 - (4) The rate of interest on the outstanding balance shall be 1.5% greater than the Village's rate of interest on the bonds which were issued to finance the project, or in the event no bonds were issued, then 1.5% greater than the average rate of interest on all similar bonds issued in the previous calendar year.
 - (5) All special assessments are due and payable in full upon the division of the property (plat or minor land division) or connection to the improvement for which the special assessment was made.
- (q) In all situations where a special assessment has been deferred for more than 10 years, as of January 1, 2017, but has not become due and payable because no event described in Subsection (p)(5) above has occurred, the special assessment shall be converted to a connection charge, as provided in § _____ below.

State Law Reference: Section 66.62, Wis. Stats.

SEC. 3-2-~~32~~ RESOLUTION AND REPORT REQUIRED.

- (a) Prior to making any such special assessments, the ~~Town~~Village Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under **Section 3-2-65** of this Chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.

- (b) The report required by Subsection (a) shall consist of:
 - (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate as to each parcel of property affected of:
 - a. The assessment of benefits to be levied.
 - b. The damages to be awarded for property taken or damaged.
 - c. The net amount of such benefits over damages or the net amount of such damages over benefits.
 - (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case, the estimated required under Subsection (3) shall be replaced by a schedule of the proposed assessments.
 - (5) A copy of the report when completed shall be filed with the [TownVillage](#) Clerk for public inspection.

SEC. 3-2-43 COSTS THAT MAY BE PAID BY SPECIAL ASSESSMENT.

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the [TownVillage](#) and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the [TownVillage](#) Board.

SEC. 3-2-4 EXEMPTIONS; DEDUCTIONS.

- (a) If any property deemed benefited shall, by reason of any provision of law, be exempt from assessment therefor, such assessment shall be computed and shall be paid by the [TownVillage](#).
- (b) A parcel of land against which has been levied a special assessment for the sanitary, sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the [TownVillage](#) Board determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance, the assessment will not be less than the long way of such lot. The [TownVillage](#) Board may allow a similar deduction or exemption from special assessments levied for any other public improvement.

SEC. 3-2-~~65~~ NOTICE OF PROPOSED OR APPROVED PROJECT.

On the completion and filing of the report required in Section 3-2-~~32~~(b)(5) of this Chapter, the ~~Town~~Village Clerk shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the ~~Town~~Village Board ~~or Committee~~ thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be given ~~either~~ by publication in the official ~~Town~~Village newspaper ~~or posted in not less than three (3) public places within the Town~~ and a copy of said notice shall be mailed to each interested person whose post office address is known as required by Wis. Stat. Sec. 66.0703. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or posting of said notice.

SEC. 3-2-~~76~~ BOARD ACTIONS AFTER HEARING. NEED TO REVISE

- (a) After the hearing, the ~~Town~~Village Board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- (b) If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the ~~Town~~Village Board shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c) Timing.
 - (1) If the work or improvement has not been previously authorized or approved, the ~~Town~~Village Board shall approve the work or improvement and, by resolution, direct that the same be done and paid for in accordance with the report finally approved.
 - (2) If the work or improvement has been approved by the ~~Town~~Village Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the ~~Town~~Village Board shall, by resolution, confirm the report as made or modified and provide for payment in whole or in part by assessment.
- (d) The ~~Town~~Village Clerk shall publish the final resolutions as required in Section 3-2-~~65~~ of this Chapter.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Section ~~66.60(12)~~66.0703(12), Wis. Stats., or any other applicable provision of law.

DRAFTER'S NOTE: DISCUSS INTERPLAY BETWEEN 66.0701 APPEAL RIGHTS AND 66.703(12) APPEAL RIGHTS TIMELINE WITH ALAN

<https://docs.legis.wisconsin.gov/statutes/statutes/66/vii/0703>

SEC. 3-2-~~87~~ COMBINED ASSESSMENTS.

If more than a single improvement is undertaken, the [TownVillage](#) Board may combine the assessments as a single assessment on each property affected except that the property owner may object to any one (1) or more of said improvements.

SEC. 3-2-~~98~~ BOARD'S POWER TO AMEND, CANCEL OR CONFIRM SPECIAL ASSESSMENT.

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the [TownVillage](#) Board determines to reconsider an assessment, it is empowered, after giving notice as required in Section 3-2-~~65~~ to amend, cancel or confirm any prior assessment, and notice of this amending, canceling or confirming be given by the [TownVillage](#) Clerk as provided in Section 3-2-~~76~~ of this Chapter.

SHOULD WE MODIFY THE ABOVE TO ADDRESS THE SITUATION WHERE YOU ARE REDUCING THE CONDITIONS OR COST OF ASSESSMENTS WITHOUT HEARING— DISCUSS WHETHER A NEW PUBLIC HEARING IS REQUIRED WITH ALAN

SEC. 3-2-~~109~~ WHERE COST OF IMPROVEMENT IS LESS THAN ASSESSMENT.

If the cost of the work or improvement is less than the assessment levied, the [TownVillage](#) board, without notice or hearing, shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the [TownVillage](#) shall refund the property owner such overpayment.

SEC. 3-2-~~1011~~ APPEALED ASSESSMENTS PAYABLE WHEN DUE.

Pursuant to Subsection (12)(F) of Section 66.~~70360~~, Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.

SEC. 3-2-~~121~~ SPECIAL ASSESSMENT A LIEN ON PROPERTY.

Pursuant to Subsection (13) of Section 66.~~70360~~, Wis. Stats., any special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the [TownVillage](#). The [TownVillage](#) Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The [TownVillage](#) Board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the

property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

WE SHOULD MOVE THE SPECIAL CHARGE ORDINANCE TO ITS OWN CHAPTER BUT CHECK FOR CROSS REFERENCES FROM OTHER SECTIONS OF THE CODE

SEC. 3-2-13~~2~~ SPECIAL CHARGES PERMISSIBLE.

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by the TownVillage Board by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the TownVillage Board except that, in the case of street, sidewalk, curb or gutter repair, twenty (20) days' notice published in the TownVillage newspaper, or by posting such notice in three (3) places in the TownVillage and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the TownVillage Board as to whether the service in question shall be performed.
- (b) Such special charges shall not be payable in installments. If not paid within the period fixed by the TownVillage Board, such delinquent charge shall become a lien as provided in Section 3-2-11 of this Chapter.
- (c) Section 3-2-2(a) of this Chapter shall not be applicable to proceedings under this Section.

SEC. 3-2-13 MISCELLANEOUS PROVISIONS.

- (a) If any assessment or charge levied under this Chapter is invalid because such statutes are found to be unconstitutional, the TownVillage Board may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) The TownVillage Board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.
- (c) Notwithstanding any other provision of law or this or other Ordinance or resolution, it is specifically intended and provided by this Chapter that the TownVillage may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

SEC. 3-2-13 CONNECTION CHARGES IN LIEU OF SPECIAL ASSESSMENTS.

- (a) In the situation of a property owner seeking to extend a public infrastructure improvement to property to allow for development, with the improvement traversing sparsely developed or agricultural areas, the Village may require the

requesting property owner to pay to the Village, in advance, the total amount to extend the improvement to its property. When an additional property connects to the improvement, that property owner will contribute to the original requester's cost, by payment of a connection charge to the Village. The Village will periodically remit such collected sums to the requester or requester's assignee. The amount of the connection charge will be equal to the then-current connection charge, as set by the Village from time to time.

- (b) In the situation of a property owner seeking to extend a public infrastructure improvement to property to allow for development, with the improvement traversing sparsely developed or agricultural areas, the Village may charge the requesting property its fair share of the cost of installation to the property and fund the remainder itself, with municipal funds. When an additional property connects to that improvement, that property owner will contribute to the Village's cost by payment of a connection charge to the Village. The amount of the connection charge will be equal to the then-current connection charge, as set by the Village from time to time.
- (c) In instances where the Village has installed a public infrastructure improvement entirely at its expense and has not imposed a special assessment for the project, which would otherwise qualify for special assessment, a connection charge will be utilized. When a property connects to the improvement, that property owner will contribute to the Village's cost through a connection charge paid to the Village. The amount of the connection charge will be equal to the then-current connection charge, as set by the Village from time to time.
- (d) In considering any connection charge for a corner property, the Village will allow a deduction or exemption where a connection charge has previously been paid for the same improvement in an abutting street.
- (e) The Village Clerk will maintain a docket identifying properties which are subject to future connection charges. The Village Clerk will make such docket available to property owners, prospective purchasers, abstracters and title companies.
- (f) Any property owner subject to a connection charge may pay for said connection charge in installments identical to those set forth in § 3-2-2(p) provided that either connection to the public infrastructure occurs or a property owner elects to begin installment payments within 12 months the property owner is mailed a copy of the resolution pursuant to Subsection (f)(1).

 - (1) The Village Board shall notify property owners of the payment installment option in Subsection (f) by resolution. The Resolution shall be mailed to each property owner subject to a connection charge informing the property owner of the availability of the payment installment option in Subsection (f).

SAMPLE MT. PLEASANT ORDINANCE FROM ALAN

§ 70-50. Purpose.

The Village regularly installs public infrastructure improvements, such as streets, water mains and sewers at Village cost. In some instances none of such costs should be recouped by either special assessment or connection charges. In some instances, to recover an appropriate share of such costs, special assessment procedures should be used. In other situations, an appropriate cost share should be recovered through the imposition of connection charges.

§ 70-51. General special assessment policy.

- (a) The Village will levy special assessments, when appropriate to do so, under and pursuant to Wis. Stats. § 66.0703.
- (b) In an appropriate case, the Village will levy special assessments under the taxing power of the Village, within a limited and determinable area, for special benefits conferred, but not in excess of the value of the special benefits conferred.
- (c) In an appropriate case, the Village will levy special assessments under the police power of the Village, within a limited and determinable area, for special benefits conferred, upon a reasonable basis and in proportion to the benefits accruing.
- (d) All special assessments will be apportioned fairly and equitably among properties in similar situations, taking into consideration the uniqueness of individual properties.
- (e) Special assessments will only be levied for a local improvement. If a project provides both a community-wide and a local improvement, only the local improvement component will be considered in levying special assessments. In determining whether an improvement is local, in whole or in part, the Village will refer to the then-current Village Comprehensive Plan and other relevant information.
- (f) For all special assessments, the Village will consider whether special benefits have the effect of furnishing an uncommon advantage, which either increases the services provided to the property, or otherwise enhances its value. An uncommon advantage must be a benefit that differs in kind, rather than in degree, from benefits enjoyed by the general public.
- (g) The Village will not levy a special assessment against any property that is exempt from special assessment under Wisconsin Statutes.
- (h) In considering any special assessment for a corner property, the Village will allow

a deduction or exemption where a special assessment has previously been levied for the same improvement in an abutting street.

- (i) The special assessment costs may include the direct and indirect construction costs, the resulting damages, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the Village, the cost of any architectural, engineering and legal services and any other item of direct or indirect cost that may reasonably be attributed to the proposed work or improvement. The Village Board may include costs incurred when private property is acquired for a public project.
- (j) In considering any special assessment, the formula to be used may be any recognized formula, or combination thereof.
- (k) In considering any special assessment, costs to be included for calculation of the special assessment will be reduced by the costs added for oversized facilities.
- (l) In considering any special assessment, the Village will give consideration to the presence of wetlands, flood plains, conservation easements and similar factors affecting property.
- (m) In the situation of property owners in a discrete developed area who petition the Village to extend an improvement to serve their properties, if the owners of 51% or more of the group of properties to be served by the improvement agree to be specially assessed, all of the properties in the group will be subject to special assessment.
- (n) Special assessments may be deferred in certain limited situations.
- (o) The Village will periodically review its special assessment payment plan, for installments and interest rates. The current policy is as follows:

Special Assessments shall be paid in full, or in annual installments. Assessments also may be prepaid, partially or in whole, after the installment method has been selected. The number of annual installments in which an assessment is to be paid will be determined in the Preliminary Assessment Resolution, based on the total amount of the assessment, and in accordance with the following:

- (1) If the assessment is less than \$400, the assessment shall be paid in one payment, within 90 days of completion of project.
- (2) If the assessment is at least \$400.01 to \$1,500, the assessment shall be paid in five annual installments.
- (3) If the assessment is greater than \$1,500.01, the assessment shall be paid in 10 annual installments, as determined in the preliminary assessment roll. In no event, shall the assessment installments be for a period longer than

10 years.

- (4) The rate of interest on the outstanding balance shall be 1.5% greater than the Village's rate of interest on the bonds which were issued to finance the project, or in the event no bonds were issued, then 1.5% greater than the average rate of interest on all similar bonds issued in the previous calendar year.
- (5) All special assessments are due and payable in full upon the division of the property (plat or minor land division) or connection to the improvement for which the special assessment was made.
- (p) In all situations where a special assessment has been deferred for more than 10 years, as of January 1, 2017, but has not become due and payable because no event described in Subsection (o)(5) above has occurred, the special assessment shall be converted to a connection charge, as provided in § 70-52 below.

§ 70-52. Connection charges in lieu of special assessments.

- (a) In the situation of a property owner seeking to extend a public infrastructure improvement to property to allow for development, with the improvement traversing sparsely developed or agricultural areas, the Village may require the requesting property owner to pay to the Village, in advance, the total amount to extend the improvement to its property. When an additional property connects to the improvement, that property owner will contribute to the original requester's cost, by payment of a connection charge to the Village. The Village will periodically remit such collected sums to the requester or requester's assignee. The amount of the connection charge will be equal to the then-current connection charge, as set by the Village from time to time.
- (b) In the situation of a property owner seeking to extend a public infrastructure improvement to property to allow for development, with the improvement traversing sparsely developed or agricultural areas, the Village may charge the requesting property its fair share of the cost of installation to the property and fund the remainder itself, with municipal funds. When an additional property connects to that improvement, that property owner will contribute to the Village's cost by payment of a connection charge to the Village. The amount of the connection charge will be equal to the then-current connection charge, as set by the Village from time to time.
- (c) In instances where the Village has installed a public infrastructure improvement entirely at its expense and has not imposed a special assessment for the project, which would otherwise qualify for special assessment, a connection charge will be utilized. When a property connects to the improvement, that property owner

will contribute to the Village's cost through a connection charge paid to the Village. The amount of the connection charge will be equal to the then-current connection charge, as set by the Village from time to time.

- | (d) In considering any connection charge for a corner property, the Village will allow a deduction or exemption where a connection charge has previously been paid for the same improvement in an abutting street.


- | (e) The Village Clerk will maintain a docket identifying properties which are subject to future connection charges. The Village Clerk will make such docket available to property owners, prospective purchasers, abstracters and title companies.

- | (f) Any property owner subject to a connection charge may pay for said connection charge in installments identical to those set forth in § 70-51(o) provided that either connection to the public infrastructure occurs or a property owner elects to begin installment payments within 12 months the property owner is mailed a copy of the resolution pursuant to Subsection (f)(1).
 - (1) The Village Board shall notify property owners of the payment installment option in Subsection (f) by resolution. The Resolution shall be mailed to each property owner subject to a connection charge informing the property owner of the availability of the payment installment option in Subsection (f).

MEMORANDUM

DATE: Thursday, March 30, 2023

TO: Legislative & Licensing Committee

FROM: Anthony A. Bunkelman P.E.
Public Services Director 

RE: Title 15 Updates

BACKGROUND INFORMATION

The Building Department & Engineering Department have been working on a complete rewrite of Title 15. Currently, Title 15 consists of 7 Chapters.

Chapter 1 – Building, Plumbing, Electrical, and HVAC Codes
Chapter 2 – Construction Site Erosion Control
Chapter 3 – Fair Housing
Chapter 4 – Grievances regarding access to Public Building by Handicapped Persons
Chapter 5 – Fences
Chapter 6 – Property Address Signs
Chapter 7 – Property Exterior Maintenance

As part of the rewrite, we have recommended adding additional Chapters which are specific to various topics. The proposed Title 15 is recommended to have 12 Chapters

Chapter 1 – Building, Plumbing, Electrical, and HVAC Codes
Chapter 2 – Inspections
Chapter 3 – Regulations for Moving & Razing Buildings
Chapter 4 – Swimming Pools
Chapter 5 – Fences
Chapter 6 – Construction Site Erosion Control
Chapter 7 – Fair Housing
Chapter 8 – Grievances regarding access to Public Building by Handicapped Persons
Chapter 9 – Property Address Signs
Chapter 10 – Renewable Energy
Chapter 11 – Fire Sprinkler / Fire Alarm Permits
Chapter 12 – Property Exterior Maintenance

All of the Chapters, except 10 & 11 are in draft form. Chapters 3, 4, 5, 6, 7, 8, 9, & 12 have been reviewed by the Village Attorney. Chapters 1 & 2 are still under review.

Included for review and discussion with the Legislative & Licensing Committee are the Chapters that have been reviewed by the Village Attorney.

Title 15

CHAPTER 3

SEC. 15-3-1 REGULATIONS FOR MOVING AND RAZING BUILDINGS.

- (a) **General.** No person shall move any building or structure upon any of the public Right of Way Permit in the Village without first obtaining a Permit therefor from the Building Inspector and upon the payment of the required fee. Every such Permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with, and shall limit the time during which said moving operations shall be performed.
- (b) **Moving Damaged Buildings.** No buildings shall be repaired, altered or moved within or into the Village that have deteriorated, have been damaged by any cause (including such moving and separation from its from its foundation and service connections in case of moved buildings) by fifty percent (50%) or more of its equalized value; and no Permit shall be granted to repair, alter or move such building within or into the Village.
- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and day by day until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted Adequate lighting lanterns shall be kept in conspicuous places at each end of the building during the night.
- (d) **Street Repair.** Every person receiving a Permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector who shall thereupon, in the company of the Village Highway Superintendent, inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the Permit was issued shall forthwith place them in good repair as they were before the Permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, said Village Board shall repair the damage done to such streets and highways and hold the person obtaining such permit and the sureties on his bond responsible for the payment of the same.
- (e) **Conformance with Code.** No Permit shall be issued to move a building within or into the Village and to establish it upon a location within the Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements, and remodeling with reference to such building shall be submitted to the Building Inspector; and the Building Inspector shall make a finding of fact to the effect that all such repairs, improvements, and remodeling are in conformity with the requirements of this Building Code and that when the same are completed the building, as such, will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

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- (a) (f) **Bond.**
- (1) Before a Permit is issued to move any building over any public Right-of-Way in the Village, the party applying therefor shall give a bond to the municipality in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with claims for damages to any persons or property and the payment of any judgment, together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the Permit is issued.
- (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public Right-of-Way as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the falling onto such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erected adequate barriers and within forty-eight (48) hours filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (g) **Insurance.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Two One Million Dollars (\$2,000,000.00) and for one (1) accident in a sum not less than Five One Hundred Thousand Million Dollars (\$1,0500,000.00), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.
- The Village and permittee shall add, by specific enforcement, the Village, its officials, officers, employees, agents and consultants as additional insureds on its required liability policies. A certificate Certificates of insurance shall be provided to the Village and such Certificate shall provide that the Village shall receive a thirty (30) day notice of intent to not renew such insurance and/or cancellation of insurance for nonpayment of premium or for any other reason. In such instance, the permittee shall provide substitute certificates of insurance meeting the requirements of this Section.
- The permittee shall comply with all local, state and federal laws, rules, regulations. As a condition of The Permit, permittee agrees to indemnify, defend and hold the Village harmless from and against any and all fault, liabilities, costs, expenses, claims, demands, or lawsuits incurred by, or brought against, the Village arising out of, related to, or connected with, the moving of the building and/or the permit issued hereunder.
- (h) **Architectural Approval.**
- (1) No such Permit shall be issued unless it has been found as a fact by the Village Board by at least a majority vote after an examination of the application for the Permit, which shall include exterior elevations of the building and accurate photographs of

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all sides and views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located that the exterior architectural appeal and functional plans of the building to be moved or moved and altered will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood for the character of the applicable district established by the Zoning Ordinances governing the Village, or any Ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the ~~building stone~~, the applicant shall submit with his application papers complete plans and specifications for the proposed alterations. Before a Permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the Village Board, which shall not be less than One Thousand Dollars (\$1,000.00) to be executed in the manner provided in Subsection (f) hereof to the effect that the applicant will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other application Ordinances of the Village. No Certificate of Occupancy shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he shall request a meeting of the Village Board to consider applications for moving permits which he has found comply in all respects with all other Ordinances of the Village. The Village Board may, if it desires, hear the applicant for the Moving Permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of ~~hearing meeting~~ as they may deem sufficient. Such ~~hearing meeting~~ may be adjourned for a reasonable length of time; and within ~~fifty eight~~ (54) ~~hours days~~ after the close of the ~~hearing meeting~~, the Village Board shall, in writing, make or refuse to make the finding required by this Subsection and file it in the office of the Village Clerk who shall send a copy of it to the Building Inspector.

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SEC. 15-3-2 RAZING BUILDINGS.

- (a) **Authority; Raze Order.** The Building Inspector is hereby authorized to act for the Village under the provisions of ~~[Sec. 66.04135]~~ of the Wisconsin Statutes relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. ~~[The Village Treasurer is authorized to place the assessment and collect the special tax as therein provided to assess and collect, as a special charge against the razed real property, the costs incurred by the Village for proceedings in accordance with Wis. Stat. § 66.0413.]~~
- (b) **Utilities; Excavations To Be Filled.** Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A Permit to demolish or to remove a

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Commented [JH9R7]: This is still the correct reference.

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Commented [RS11R10]: Isn't this the procedure to charge the cost of a Raze order executed by the Village back to the property owner under Wis. Stat. Sec. 66.0413?

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Chapter 3 – REGULATIONS FOR MOVING & RAZING BUILDINGS

building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

- (c) **Permit Procedure.** No ~~Permit to raze a building~~ building shall be razed, as defined in Section 66.0413, ~~of the Wisconsin Statutes~~ Wis. Stat., in the Village without a raze permit shall be issued by the Building Inspector, ~~without the prior approval of the Village Board, unless the building to be razed is in such a condition that, in the opinion of the Building Inspector, it poses a serious threat to residents of the property or to the public's health or safety.~~ The Village Board ~~Building Inspector shall issue or deny requests for~~ may lay over any request for a Raze Permit, ~~for up to~~ within sixty (60) days of receiving a Permit application. In their review of the Permit application, the Building Inspector shall, ~~to allow time for an investigation into~~ the historical significance, if any, of the building to be razed, ~~and consider other factors that affect the issuance of a Raze Permit such as the health and safety of the public, the condition of the building, history of violations, and other fact specific inquiries.~~ The Village Board shall set an application fee for such raze permit by Resolution from time-to-time. A permit to raze a building that is issued by the Building Inspector shall be transmitted to the Village Assessor.-

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Title 15

CHAPTER 4

15-4 SWIMMING POOLS

Purpose of Regulations: To insure the safe and proper in installation and/or alteration of swimming pools in relation to property, dwellings, and safety.

- (a) **Definition.** "Private swimming pool" means a receptacle for water or an artificial pool of water having a depth at any point of more than 2 feet, whether above or below ground.
- (b) **General Guidelines.** Private swimming pools shall:
 - (1) Require a Building Permit, unless, the pool is 99 square feet in area or less, is less than 4 feet in depth, and is removed by November 1st, for the winter. (All 3 conditions must be met not require a Building Permit.)
 - (2) Not be located in the front yard.
 - (3) Not be closer than 8 feet to any dwelling overhang -or outbuilding(s) overhang.
 - (4) Be completely enclosed by a fence not less than 48 inches in height and be constructed in such a manner so that a ball 6 inches in diameter cannot pass through the fence.
 - (5) Have ladders or stairs that can be removed or secured in such a manner as to prevent access when unattended.
 - (6) Not be filled until fencing is completely installed.
 - (7) Be equipped with a lock or self-closing, self-latching device placed at the top of the gate.
 - (8) Have equipment, including circulating pumps and filters be located so as not to create a nuisance or noise problem, and if necessary, be shielded or protected by a barrier.
 - (9) Be maintained in such a way as to not create a nuisance, hazard, eyesore or have an adverse effect on neighboring properties or be detrimental to public health, safety, or welfare.
 - (10) Be constructed so as to not allow water from the pool to drain into any sanitary sewer or septic tank, nor to overflow on or cause damage to, any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval of the Residential Plumbing Inspector.
- (c) **Permit Required.**
 - (1) No person shall construct, install, enlarge, or alter any swimming pool or erect a covering over or around any swimming pool unless a Building Permit has been obtained from the Residential Building Inspector.
 - (2) An application for a Building Permit shall be accompanied by plans drawn to scale, showing the following:
 - (a) Location of pool on lot, with distances from all lot lines and structures.
 - (b) Fence height (48 inches, minimum).
 - (c) Specifications of pool.
 - (d) A plat of survey or accurate drawing indicating existing structures, fences, and utility lines.

- (e) Any decks to be constructed around or adjacent to the pool.
- (3) All permit work shall be inspected by the Building Inspector and Residential Electrical Inspector upon completion of work, prior to use.
- (d) **Exceptions.** No fence shall be required for above ground pools that are at least 4 feet above grade.
- (e) **Filling of Pool.** The filling of a pool from a residential hose sill cock shall be anti-siphonic and acceptable to the Residential Plumbing Inspector. In filling a pool or replenishing the water supply of such pool, the device used to convey the water supply shall not be submerged at any time into the existing or present water contents.
- (f) **Enforcement.** The Department of Building Inspection shall be responsible for enforcing the standards of this Section.
- (g) **Penalty.** Any person convicted of violating this Section shall forfeit not less than \$250 nor more than \$500 per violation, or upon default of payment be imprisoned for not more than 20 days.

CHAPTER 5

Fences

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
15-5-1	Declaration of Policy	2000-12 2006-13	8/23/99 5/2/00 12/05/06
15-5-2	Definitions	2000-12	5/2/00
15-5-3	Design Characteristics	2000-12 2006-13	5/2/00 12/05/06
15-5-4	Location	2000-12	5/2/00
15-5-5	Permits	2000-12 2003-02	5/2/00 2/03
15-5-6	Exceptions	2000-12	5/2/00
15-5-7	Variance Requests	2000-12	5/2/00
15-5-8	Appeal from Review of Initial Determination	2000-12	5/2/00
15-5-9	Penalties	2000-12	5/2/00
15-5-10	Severability	2000-12	5/2/00

SEC. 15-5-1 DECLARATION OF POLICY

- (a) The intent of this Ordinance is to establish standards for the location and design characteristics of and permits for fences within residential, commercial, institutional and industrial zoned areas, including non-agricultural uses in A2 districts and including agricultural uses bordering on residentially zoned property but only as to the written mutual agreement prohibited materials under Section 15-5-3(b)(3), within the Village of Caledonia.
- (b) The intent of this Ordinance is also to provide a policy as to fences currently located within public drainage, sanitary sewer or water easements or public rights-of-way within the Village of Caledonia.

SEC. 15-5-2 DEFINITIONS

- (a) **Fence.** A fence is an artificial structure of posts and boards, wire, pickets, panels, rails or similar materials that is used as an enclosure of land. For purposes of this Chapter, a fence shall not include vegetation, nor shall it include a retaining wall that retains or supports earth. Additionally, a fence shall not include a temporary snow fence that is installed and removed within the months of November through April, nor shall it include a temporary fence required to be erected by this Code.
- (b) **Primary frontage.** The primary frontage is a boundary of a lot bordering a public Right of Way. If a lot borders more than one public Right of Way, the primary frontage is the

boundary of a lot bordering a public Right of Way geographically situated in relation to and most convenient to the main entrance of the building.

- (c) **Front yard.** The front yard of a residential property is the portion of a lot between the front of the residence and public Right of Way bordering the primary frontage located between the side-yard property lines.
- (d) **Front of the residence.** The front of the residence is any portion of the residence, including attached garages, but not including architectural appurtenances, facing the primary frontage.
- (e) **“Good” side.** The good side of the fence is the side of the fence that by virtue of design and appearance would generally be considered as the most aesthetically pleasing side of the fence.
- (f) **District.** The Village of Caledonia Utility District operating in the Village of Caledonia.

SEC. 15-5-3 DESIGN

(a) Height.

(1) Residential properties.

- a. A fence within the front yard may not exceed four (4) feet in height, unless it is located more than seventy-five (75) feet from the public Right of Way extending across the primary frontage of the property and may not exceed any visual clearance requirements established by any applicable Zoning Ordinance or condition or by Village Ordinance.
- b. A fence within a back or side yard or located more than seventy-five (75) feet from the public Right of Way extending across the primary frontage of the property may not exceed six (6) feet in height and may not exceed any visual clearance requirements established by any applicable Zoning Ordinance or condition or by Village Ordinance.
- c. A fence which is located in a front yard and which abuts a business, manufacturing, or industrial park property may exceed the height as per Sec. 15-5-3(a)(1)a but may not exceed six (6) feet in height and may not exceed any visual clearance requirements established by any applicable Zoning Ordinance or condition or by Village Ordinance.
- d. No fence, including fence posts, shall exceed eight (8) feet in height.
- e. A supporting fence post that is set into the ground may exceed the heights specified in Sec. 15-5-3(a)(1)a through d by six (6) inches.
- f. In no event shall any provision of this Chapter shall be construed to permit a spite fence in violation of Section 844.10, Wisconsin Statutes.

(2) Livestock Fences.

Fences for the containment of livestock on residential properties shall follow the standards set forth in this Section.

- a. All fences shall be constructed of a sufficient height and of sufficient materials so as not to allow the animal to run at large.
- b. Boards shall be allowed to be placed on the inside of posts, and electric wire if applicable, to properly contain the livestock, subject to any requirements under Sec. 15-5-3(b) below.

- c. A fence located within seventy-five (75) feet of the public Right of Way and extending across the frontage of the property may exceed four (4) feet in height so long as the acreage of the parcel is at least five (5) acres in size, the type of fence is of post and rail design and not solid or stockade. The Village Engineer shall determine if the proposed fence design is of post and rail type. In no case shall any fence exceed eight (8) feet in height. All fences shall comply with the location requirements of Sec. 15-5-4.
 - d. All other requirements of this Chapter shall apply, unless specifically waived or modified by this Subsection.
 - e. Any fence inadequately containing the livestock shall be deemed a public nuisance and the property owner may be proceeded against in accordance with Title 11, Chapter 6, of the Village's Code of Ordinances.
- (3) Commercial and industrial properties.
- a. Fences on commercial and industrial properties shall not exceed eight (8) feet in height, unless provided otherwise in a Conditional Use Permit/Site Plan Review applicable to the property.
 - b. A fence located within a street yard setback, as defined by the applicable Zoning Ordinance, may not exceed four (4) feet high, unless provided otherwise by a Conditional Use Permit/Site Plan Review.
 - c. A supporting fence post that is set into the ground may exceed the heights specified in Sec. 15-5-3(a)(2)a through b by six (6) inches.
- (b) **Prohibited Materials.**
- (1) No person shall construct or cause to be constructed, in whole or in part, a fence with barbed wire or electrified wire within a residentially zoned district, unless as specifically allowed under Sec. 15-5-3(a)(2) above for electrified fencing of livestock.
 - (2) No person shall construct or cause to be constructed, in whole or in part, a fence with barbed wire or electrified wire in a commercially zoned district unless so provided in a Conditional Use Permit/Site Plan Review under the applicable Zoning Ordinance.
 - (3) No person shall construct or cause to be constructed a fence with electrified wire within ten (10) feet of a parcel boundary line between lands used for farming or grazing and residential property without a written, mutual agreement of the property owners as provided in Section 90.02(1m)(h), Wisconsin Statutes.
- (c) **Maintenance.** A fence shall be maintained in a structurally adequate condition. Posts, supports, rails, boards, panels, etc. shall be repaired or replaced as reasonably required toward that purpose.
- (d) **Aesthetics.**
- (1) The "good" side of a fence shall face toward the adjoining property and toward the public Right of Way if any portion of a fence extending along the public Right of Way is within fifty (50) feet of the public Right of Way. However, if the purpose of the fence is to contain livestock, the boards shall be allowed to be placed on the inside of the posts.
 - (2) The Village Engineer shall determine which side of a fence is the "good" side and shall provide property owners with his determination upon request. The Village Engineer may require the property owner to provide sufficient evidence to make

said determination. The determination of the Village Engineer may be appealed to the Public Works Committee of the Village Board, whose determination shall be final.

SEC. 15-5-4 LOCATION

- (a) A fence may not be located within a public drainage, sanitary sewer, or watermain easement or within the public Right of Way unless authorized elsewhere in this Chapter.
- (b) A fence may be located within street, side, rear, and shore yard setbacks as permitted by applicable Zoning Ordinances, unless otherwise prohibited or restricted herein or unless prohibited or restricted by a Conditional Use Permit/Site Plan Review or variance.
- (c) Fences abutting alleys shall be set back a minimum of two (2) feet from the lot line extending along the alley.
- (d) No fence shall be constructed in any front yard of a B-1, B-2, B-3, B-4, B-5, B-6 or B-7 Zoned District, unless said fencing is approved in conjunction with a Conditional Use Permit/Site Plan Review under the applicable Zoning Ordinance.

SEC. 15-5-5 PERMITS

- (a) No person shall install or construct or cause to be installed or constructed a fence within the Village of Caledonia without first obtaining a Fence Permit from the Village of Caledonia as herein provided.
- (b) Any person desiring a Fence Permit for the installation or construction of a fence within the Village of Caledonia shall file a written application form provided by the Village.
- (c) The Fence Permit fee shall be established by and as may be modified from time to time by Resolution of the Village Board of the Village of Caledonia.
- (d) A Fence Permit issued pursuant to this Chapter shall be valid and permit construction of the fence for a period of one (1) year from date of issuance. If the fence is not completed within such period, a new Permit shall be required.
- (e) The Village Engineer or his representative shall have a right to enter upon the premises to inspect the fence and its construction to insure compliance with the Fence Permit and the provisions of this Chapter.
- (f) As a condition of receiving a Fence Permit under this Section, the owner agrees to defend, indemnify and hold the Village of Caledonia harmless from and against all claims, including boundary disputes, for injury or damage received or sustained by any person or entity in connection with the installation or construction of a permitted fence.

SEC. 15-5-6 EXCEPTIONS

- (a) Fences located within the public Right of Way shall not be permitted and shall be removed.

- (b) A fence currently located within a public drainage, sanitary sewer, or watermain easement in the Village of Caledonia shall be permitted to remain unless in the opinion of the Village Engineer, the fence is determined to obstruct the purpose for which the easement was obtained or the maintenance of the easement, including underground lines. If the easement is under the jurisdiction of the Village of Caledonia Utility District, the Village Engineer shall consult with the District in rendering an opinion under this Subsection. The determination of the Village Engineer as to the existence of an obstruction may be appealed as set forth below.
- (c) Any fence that is required to be removed and is removed, either by the owner or the Village, because of a violation of this Chapter, may be replaced at the cost of the owner if in the opinion of the Village Engineer the fence could not obstruct the purpose for which the public drainage, sanitary sewer, or watermain easement was obtained or the maintenance related to such easement; provided that the owner shall agree to be responsible for the removal of the fence in the event of future interference with the purpose for which the easement was obtained or the operation or maintenance of the easement including underground lines; and provided that a Fence Permit is applied for and issued as provided in Section 15-5-5.
- (d) The Village Engineer may order any fence located within the Village of Caledonia contrary to the provisions of this Chapter to be removed, repaired or otherwise corrected, as the case may be. Such notice shall be in writing and delivered to the last known owner of the property where the fence is located, either delivered in person or by certified mail, addressed to the last known address of the owner, directing the work or action which is required to be taken. The work or action shall be completed within thirty (30) days after receipt of the notice in the case of personal delivery or after the mailing of the notice in the case of mailing. Upon written request of the Owner, and for good cause shown, the Village Board may extend the time for compliance with the Order provided the Owner waives any appeal rights set forth below.
- (e) Any person shall have a right to request a review of the determination of the Village Engineer under 15-5-6(b)-(c) or an Order served under 15-5-6(d) by filing a request for review in accordance with Title 4 of the Code of Ordinances. Failure to comply with the notice of required action shall permit the Village of Caledonia to enter upon the premises and complete such action. Any cost to the Village of Caledonia shall be charged as a special charge against the property as provided in Section 66.60(16), Wisconsin Statutes.
- (f) Fences existing in any Residential District prior to the effective date of this Chapter which do not meet the regulations of this Chapter are permitted to be:
 - (1) Repaired for ordinary maintenance, including painting, staining, and cleaning. No Permit shall be required for such work.
 - (2) Replaced; provided, however, that a Fence Permit is obtained for the construction of the replacement fence. No Permit fee shall be required for a Fence Permit for a replacement fence.
- (g) As an exception to any notice requirements set forth above, the Village President may order the emergency removal of a fence, or a portion thereof, where there is an immediate danger to persons or property, or a significant maintenance concern. This determination shall be made by the Village President, upon the recommendation of the Village Engineer.

SEC. 15-5-7 VARIANCE REQUESTS

The Village Engineer may grant a variance, including an encroachment upon an easement, from the provisions of this Ordinance for good and sufficient cause as determined by the Village Engineer, based upon the special circumstances of the particular case and the criteria set forth in the Village of Caledonia Administrative Policy and Procedure Manual, but no variance shall be granted which is unjustly discriminatory in nature. As to any variance request involving a drainage, sanitary sewer, or watermain easement granted to the Village of Caledonia Utility District, a written recommendation indicating the Utility District's position and the reasons therefor shall be obtained from the Utility District and filed with the Village Engineer before a variance request will be considered. The Village Engineer may accept or reject the Utility District's recommendation, as he or she deems appropriate. Any person shall have a right to request a review of the Village Engineer's decision by filing a request for review in accordance with Title 4 of the Code of Ordinances. If the Village Engineer rejects the Utility District's recommendation and grants a variance request, notice of the decision shall be given to the Utility District and the variance shall not be effective until at least five (5) working days after notice of the decision is delivered to the Utility District.

SEC. 15-5-8 APPEAL FROM REVIEW OF INITIAL DETERMINATION

The Village Board shall hear any appeals from the decision reviewing the initial determination in accordance with Title 4 of the Code of Ordinances. After such hearing, the Village Board shall issue its final determination as to the existence of an obstruction, the order of the Village Engineer to remove or repair a fence, or the decision of the Village Engineer with respect to a variance request. As to any appeal involving a drainage, sanitary sewer, or watermain easement granted to the Utility District, a written recommendation indicating the Utility District's position and the reasons therefor shall be obtained from the Utility District and filed with the Village Board before a hearing under this Section may be scheduled. The Village Board may accept or reject the Utility District's recommendation, as it deems appropriate.

SEC. 15-5-9 PENALTIES

In addition to any other remedies allowed by this Code, any person violating any of the provisions of this Chapter, including, but not limited to, failing to comply with the terms of a variance, shall, upon conviction, be subject to a forfeiture of not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day of such violation shall constitute a separate offense.

SEC. 15-5-10 SEVERABILITY

Any section, clause, sentence or provision of this Chapter determined to be invalid for any reason shall not affect the validity of any other section, clause, sentence or provision of this Chapter.

CHAPTER 6

Construction Site Erosion and Sediment Control Ordinance

SEC. 15-6-1 AUTHORITY.

- (a) This Ordinance is adopted under the authority granted by Sec. 61.354, Wis. Stat. This Ordinance supersedes all provisions of an Ordinance previously enacted under Sec. 61.35, Wis. Stat. that relate to construction site erosion control. Except as otherwise specified in Sec. 61.354, Wis. Stat., Sec. 61.35, Wis. Stat., applies to this Ordinance and to any amendments to this Ordinance.
- (b) The provisions of this Ordinance are deemed not to limit any other lawful regulatory powers of the Village Board.
- (c) The Village Board hereby designates the Village Engineer to administer and enforce the provisions of this Ordinance.
- (d) The requirements of this Ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sec. 281.16 and 283.33, Wis. Stat.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Sec. NR 151.004, Wis. Adm. Code.

SEC. 15-6-2 FINDINGS OF FACT.

The Village Board acknowledges that runoff from land disturbing construction activities carries a significant amount of sediment and other pollutants to the waters of the state in the Village of Caledonia.

SEC. 15-6-3 PURPOSE.

It is the purpose of this Ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Caledonia.

SEC. 15-6-4 APPLICABILITY AND JURISDICTION.

- (a) **Applicability.**
 - (1) Except as provided under Sec. 15-6-4(a)(2) below, this Ordinance applies to any construction site as defined under Sec. 15-6-5(f) of this Ordinance and the following land disturbing construction activities:
 - a. Those requiring a subdivision plat approval.
 - b. Those requiring a certified survey map approval.
 - c. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area

- d. of four thousand (4,000) square feet or more.
 - d. Those involving excavation or filling or a combination of excavation and filling affecting one-hundred fifty (150) cubic yards or more of dirt, sand or other excavation or other fill material
 - e. Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
 - f. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.
- (2) This Ordinance does not apply to the following:
- a. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.

Note to Users: Transportation facility projects directed and supervised by Wisconsin Department of Transportation are not subject to this Ordinance. Notwithstanding this Ordinance, a municipality is required to comply with the construction site transportation facility performance standards in Subch. IV of NR 151, Wis. Adm. Code, for its own transportation-related projects. For the activities over which the Village has jurisdictional oversight of another local unit of government, the performance standards in Sec. NR 151.225(3) and 151.23(4m), Wis. Adm. Code, shall apply as described in this Ordinance under Sec. 15-6-9(c)(1).

- b. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
 - c. Nonpoint discharges from agricultural facilities and practices.
 - d. Nonpoint discharges from silviculture activities.
 - e. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 - f. Agricultural facilities and practices, and growing and tending of gardens, provided that the limitation on excavation and/or filling set forth in Sec. 15-6-4(a)(1)d is not violated.
- (3) Notwithstanding the applicability requirements in Subsections 15-6-4 (a)(1) and (2), this Ordinance applies to construction sites of any size that, as determined by the Village Engineer, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

(b) **Jurisdiction.**

This Ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the Village of Caledonia, as well as the extraterritorial division of land subject to an Ordinance enacted pursuant to Sec. 236.45(2) and (3), Wis. Stat.

(c) **Exclusions.**

This Ordinance is not applicable to activities conducted by a state agency, as defined under Sec. 227.01 (1), Wis. Stat.

SEC. 15-6-5 DEFINITIONS.

- (a) **“Administering authority”** means the Village Engineer designated by the Village Board to administer this Ordinance
- (b) **“Agricultural facilities and practices”** has the meaning in Sec. 281.16(1), Wis. Stat.
- (c) **“Best management practice” or “BMP”** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (d) **“Business day”** means a day the office of the Village Engineer is routinely and customarily open for business.
- (e) **“Cease and desist order”** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village Engineer.
- (f) **“Construction site”** means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (g) **“Design Storm”** means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (h) **“Division of land”** means the creation from one parcel of two or more parcels or building sites of any size where such creation occurs at one time or through the successive partition within a 5-year period.
- (i) **“Erosion”** means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- (j) **“Erosion and sediment control plan”** means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (k) **“Extraterritorial”** means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (l) **“Final stabilization”** means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- (m) **“Governing Body”** means the Village Board of Trustees.
- (n) **“Land disturbing construction activity”** means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-

vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

- (o) "**Landowner**" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
- (p) "**MEP**" or "**maximum extent practicable**" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this Ordinance as determined in accordance with Sec. 15-6-6 of this Ordinance.
- (q) "**Performance standard**" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (r) "**Permit**" means a written authorization made by the Village Engineer to the applicant to conduct a land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (s) "**Pollutant**" has the meaning given in Sec. 283.01 (13), Wis. Stat.
- (t) "**Pollution**" has the meaning given in Sec. 281.01 (10), Wis. Stat.
- (u) "**Responsible party**" means any Landowner or any other entity performing services to meet the requirements of this Ordinance through a contract or other agreement.
- (v) "**Runoff**" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (w) "**Sediment**" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (x) "**Silviculture activity**" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (y) "**Site**" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (z) "**Stop work order**" means an order issued by the Village Engineer which requires that all construction activity on the site be stopped.
- (aa) "**Technical standard**" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (bb) "**Transportation facility**" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Sec. 85.095 (1)(b), Wis. Stat. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to Sec. 281.33, Wis. Stat.
- (cc) "**Waters of the State**" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

Sec. 15-6-6 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this Ordinance demonstrates to the Village Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

SEC. 15-6-7 TECHNICAL STANDARDS.

(a) **Design Criteria, Standards and Specifications.**

All BMPs required for compliance with this Ordinance shall meet design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.
- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

Note to Users: The USLE and its successors RUSLE and RUSLE2, utilize an R factor which has been developed to estimate annual soil erosion, averaged over extended time periods. The R factor can be modified to estimate monthly and single-storm erosion.

- (3) **Other Standards.** Other technical standards not identified or developed in Sec. 15-6-7(a) may be used provided that the methods have been approved by the Village Engineer.

SEC. 15-6-8 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.

(a) **Responsible Party.** The responsible party shall comply with this Section.

(b) **Erosion And Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

- (1) The deposition of soil from being tracked onto streets by vehicles.
- (2) The discharge of sediment from disturbed areas into on-site storm water inlets.
- (3) The discharge of sediment from disturbed areas into adjacent waters of the state.
- (4) The discharge of sediment from drainage ways that flow off the site.
- (5) The discharge of sediment by dewatering activities.
- (6) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

- (7) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- (c) **Location.** The BMPs shall be located so that treatment occurs before runoff enters waters of the state.
- (d) **Implementation.** The BMPs used to comply with this section shall be implemented as follows:
 - (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (2) Erosion and sediment control practices shall be maintained until final stabilization.
 - (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

15-6-9 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

- (a) **Responsible Party.** The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with Sec. 15-6-11
- (b) **Erosion And Sediment Control Plan.** A written site-specific erosion and sediment control plan shall be developed in accordance with Sec. 15-6-11 of this Ordinance and implemented for each construction site.

Note to Users: The written plan may be that specified within Sec. NR 216.46, Wis. Adm. Code, the erosion and sediment control portion of a construction plan or other plan.

- (c) **Erosion and Other Pollutant Control Requirements.** The erosion and sediment control plan required under sub. (2) shall include the following:
 - (1) **Erosion And Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - c. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - d. The discharge of sediment from drainage ways that flow off the site.
 - e. The discharge of sediment by dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

- g. The discharge of sediment from erosive flows at outlets and in downstream channels.
- h. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this Ordinance.
- i. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(2) **Sediment Performance Standards.** In addition to the erosion and sediment control practices under par. (1), the following erosion and sediment control practices shall be employed:

- a. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
- b. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this subsection. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
- c. Notwithstanding Sec. 15-6-9(2)(a), if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(3) **Preventive Measures.** The erosion and sediment control plan shall incorporate all of the following:

- a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
- b. Minimization of soil compaction and preservation of topsoil.
- c. Minimization of land disturbing construction activity on slopes of 20 percent or more.
- d. Development of spill prevention and response procedures.

(4) **Location.** The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

Note to Users: While regional treatment facilities are appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.

(d) **Implementation.** The BMPs used to comply with this section shall be implemented as follows:

- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in 15-6-9(b).
 - (2) Erosion and sediment control practices shall be maintained until final stabilization.
 - (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (e) **Alternate Requirements.** The Village Engineer may establish storm water management requirements more stringent than those set forth in this Section if the Village Engineer determines that an added level of protection is needed for sensitive resources.

SEC. 15-6-10 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (a) **Permit Required.** No responsible party may commence a land disturbing construction activity subject to this Ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village Engineer.
- (b) **Permit Application and Fees.** The responsible party that will undertake a land disturbing construction activity subject to this Ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Sec. 15-6-11 and shall pay an application fee to the Village in the amount as established in Sec. 15-6-12. By submitting an application, the applicant is authorizing the Village Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (c) **Permit Application Review and Approval.**

The Village Engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

 - (1) Within thirty (30) business days of the receipt of a complete permit application, as required by Sec. 15-6-10(b), the Village Engineer shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this Ordinance.
 - (2) If the permit application and erosion and sediment control plan are approved, the Village Engineer shall issue the permit.
 - (3) If the permit application or erosion and sediment control plan is disapproved, the Village Engineer shall state in writing the reasons for disapproval.
 - (4) The Village Engineer may request additional information from the applicant. If additional information is submitted, the Village Engineer shall have ten (10) business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.

- (5) Failure by the Village Engineer to inform the permit applicant of a decision within thirty (30) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued, unless the time to act is extended by mutual, written agreement between the applicant and the Village Engineer.
- (d) **Surety Bond.** As a condition of approval and issuance of the permit, the Village Engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- (e) **Permit Requirements.** All permits shall require the responsible party to:
 - (1) Notify the Village Engineer within 48 hours prior to commencing any land disturbing construction activity.
 - (2) Notify the Village Engineer of completion of any BMPs within 14 days after their installation.
 - (3) Obtain permission in writing from the Village Engineer prior to any modification pursuant to Sec.15-6-11(c) of the erosion and sediment control plan.
 - (4) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (5) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (7) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (8) Allow the Village Engineer to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (f) **Permit Conditions.** Permits issued under this Section may include conditions established by Village Engineer in addition to the requirements set forth in 15-6-10(e), where needed to assure compliance with the performance standards in Sec.15-6-8 or Sec. 15-6-9.
- (g) **Permit Duration.** Permits issued under this Section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Village Engineer may grant one or more extensions not to exceed 180 days cumulatively. The Village Engineer may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this Ordinance.
- (h) **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this Ordinance until the site has undergone final stabilization.
- (i) **Additional Permit Requirements for Construction Related to Major Land Divisions.**
 - (1) In addition to the above requirements, permits for land disturbing construction activities related to proposed subdivision plats shall not be issued until the following requirements have been satisfied:

- a. The subdivision must have received preliminary plat approval from Racine County and the Village Board.
- b. Grading and drainage plans shall have been submitted to the Village Engineer, and initial review completed by the Engineering Department.
- c. The Subdivider must execute a hold harmless/indemnification agreement.
- d. The Subdivider must submit a letter of credit, in accord with the terms of the Village's standard Development Agreement, for the entire amount of subdivision improvements plus contingency. Where the cost for the improvements is not yet known, the Village Engineer may accept a letter of credit in an amount sufficient to cover initial grading and filling work plus contingency. However, no additional work shall be commenced by the Subdivider until the letter of credit amount is increased to cover the cost of all subdivision improvements plus contingency.
- e. The Subdivider shall execute a revised Predevelopment Agreement with provisions related to this early start procedure.
- f. Where applicable, the Subdivider shall submit to the Village Engineer a copy of the executed agreement with the applicable sanitary or utility district for sewer and/or water construction.
- g. A copy of the above materials, with the exception of the grading and drainage plans, must be delivered by the developer to the office of the Village Attorney.
- h. The Village Board must approve issuance of the permit. A copy of the approved permit shall be provided to the Village of Caledonia Storm Water Utility District.
- i. Additional conditions may be required by the Village Engineer or Village Attorney to address unforeseen or special circumstances.
- j. The Subdivider may not install sewer utilities, water utilities and storm water utilities, or conduct any road construction or asphalt work until after approval of final plans, final plat and execution of the required Development Agreement. The Subdivider may be permitted by the Village Engineer to do initial grading prior to the final plans, final plat and Development Agreement being approved.
- k. Failure to comply with these provisions shall subject the violator to the enforcement remedies set forth in Sec. 15-6-14 including, without limitation, revocation of the permit and prosecution for said violations."

SEC. 15-6-11 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.

- (a) **Erosion And Sediment Control Plan Statement.** For each construction site identified under Sec. 15-6-4(a), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Village Engineer. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the Ordinance. A site map shall also accompany the erosion and sediment control plan statement.
- (b) **Erosion and Sediment Control Plan Requirements.**

- (1) An erosion and sediment control plan shall be prepared and submitted to the Village Engineer.
- (2) The erosion and sediment control plan shall be designed to meet the performance standards in Sec.15-6-8, Sec. 15-6-9 and other requirements of this Ordinance.
- (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - b. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - c. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - d. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 - e. Calculations to show the compliance with the performance standard in Sec. 15-6-9(c)(2)(a).
 - f. Existing data describing the surface soil as well as subsoils.
 - g. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 - h. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (4) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.
 - a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
 - b. Boundaries of the construction site.
 - c. Drainage patterns and approximate slopes anticipated after major grading activities.
 - d. Areas of soil disturbance.
 - e. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
 - f. Location of areas where stabilization BMPs will be employed.

- g. Areas which will be vegetated following land disturbing construction activities.
 - h. Area(s) and location(s) of wetland on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 - i. Area(s) used for infiltration of post-construction storm water runoff.
 - j. An alphanumeric or equivalent grid overlying the entire construction site map.
- (5) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosions and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosions and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:
- a. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Village Engineer, structural measures shall be installed on upland soils.
 - c. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - e. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
 - f. Protection of downslope drainage inlets where they occur.
 - g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 - h. Clean up of off-site sediment deposits.
 - i. Proper disposal of building and waste material
 - j. Stabilization of drainage ways.
 - k. Installation of permanent stabilization practices as soon as possible after final grading.
 - l. Minimization of dust to the maximum extent practicable.
- (6) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

Note to Users: The erosion and sediment plan requirements of this subsection will meet the erosion control plan requirements of Sec. NR 216.46, Wis. Adm. Code, when prepared in accordance with good engineering practices and the design criteria,

standards and specifications published by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.

- (c) **Erosion and Sediment Control Plan Amendments.** The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
 - (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (3) The Village Engineer notifies the applicant of changes needed in the erosion and sediment plan.

SEC. 15-6-12 FEE SCHEDULE.

The fees referred to in other Sections of this Ordinance shall be established by the Village Board and may from time to time be modified by Resolution. A schedule of the fees established by the Village Board shall be available for review in Village Clerks office of the Village Hall of the Village of Caledonia.

SEC. 15-6-13 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this Ordinance, the Village Engineer may enter the land pursuant to the provisions of Sec. 66.0119(1), (2), and (3), Wis. Stat.

SEC. 15-6-14 ENFORCEMENT.

- (a) The Village Engineer may post a stop-work order if any of the following occurs:
- (1) Land disturbing construction activity regulated under this Ordinance is occurring without a permit.
 - (2) The erosion and sediment control plan is not being implemented in good faith.
 - (3) The conditions of the permit are not being met.

- Note to Users:** The Village Engineer should inspect any construction site that holds a permit under this Chapter at least once a month between March 1 and October 31, and at least 2 times between November 1 and February 28 to ensure compliance with the approved erosion and sediment control plan.
- (b) If the responsible party does not cease activity as required in a stop-work order posted under this Section or fails to comply with the erosion and sediment control plan or permit conditions, the Village Engineer may revoke the permit.
 - (c) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Village Engineer or if a responsible party violates a stop-work order posted under Sec. 15-6-14(a), the Village Engineer may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
 - (d) The Village Engineer may retract the stop-work order issued under Sec. 15-6-14(a) or the permit revocation under Sec. 15-6-14(b).

- (e) After posting a stop-work order under Sec. 15-6-14(a), the Village Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Ordinance. The Village Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village Engineer, plus interest at the rate authorized by Village Board shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Subchapter VII of Ch. 66, Wis. Stat.
- (f) Any person violating any of the provisions of this Ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this Ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

SEC. 15-6-15 APPEALS.

- (a) **Board of Appeals.** The Board of Appeals created pursuant to Sec. 16-1-5 pursuant to Sec. 61.354, Wis. Stat.:
 - (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Engineer in administering this Ordinance except for cease and desist orders obtained under Sec. 15-6-14(c).
 - (2) May authorize, upon appeal, variances from the provisions of this Ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties and powers authorized by Statute in hearing and deciding appeals and authorizing variances.
- (b) **Who May Appeal.** Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, officer, department, board, commission or committee of the Village of Caledonia affected by any decision of the Village Engineer.

SEC. 15-6-16 SEVERABILITY.

If a court of competent jurisdiction determines any Section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of the Ordinance shall remain in force and not be affected by such judgment.

SEC. 15-6-17 EFFECTIVE DATE.

This Ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing Ordinance was duly adopted by the Village Board of the Village of Caledonia on the 4th day of April, 2016.

CHAPTER 7

Fair Housing

Section Number	Title	Ordinance Number	Date of Ordinance
15-7-1	Statement on Fair Housing		
15-7-2	Definitions as Used in This Chapter		
15-7-3	<u>Unlawful Practices</u> <u>Discrimination Prohibited</u>		
15-7-4	<u>Exemptions</u> <u>Representations Designed to Induce Panic Sales</u>		
15-7-5	<u>Enforcement</u> <u>Exemptions</u>		
<u>15-7-6</u>	<u>Enforcement</u>		
<u>15-7-7</u>	<u>Other remedies</u>		

~~SEC. 15-7-1 STATEMENT OF INTENT ON FAIR HOUSING.~~

~~SEC. 15-7-1 STATEMENT OF INTENT ON FAIR HOUSING~~

It is hereby declared to be the policy of the Village of Caledonia to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, gender, handicap, disability, sexual preference, orientation, marital status of persons maintaining a household or family status; status as a victim of domestic abuse, sexual assault or stalking; lawful source of income; place of birth; or age, and, to that end, to prohibit discrimination in housing by any persons. This Chapter shall be considered an exercise of the police powers of the Village for the protection of the welfare, health, peace, dignity, and human rights of the people of the Village of Caledonia.

State Law Reference: See Wis. Stat. §§ 66.1011432; 106.50 Wis. Stats.

SEC. 15-7-2 DEFINITIONS AS USED IN THIS CHAPTER.

- (a) Advertise. To publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.
- (b) Aggrieved person. A person who claims to have been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.
- (c) Complainant. A person who files a complaint alleging discrimination in housing.
- (d) Disability. A physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in Wis. Stats., § 961.01(4), or a controlled substance analog, as defined in Wis. Stats., § 961.01(4m), unless the individual is participating in a supervised drug rehabilitation

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- (e) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, gender, sexual preference orientation, ancestry, handicap disability, marital status, family status, status as a victim of domestic abuse or sexual assault or stalking, lawful source of income, place of birth, age, or national origin; or any act that is unlawful under this Chapter.
- (f) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (g) **Family.** One or more individuals, ~~corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers,~~
- (h) **Family Status.** Any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:
 - (1) A person is pregnant;
 - (2) A person is in the ~~press~~process of securing a sole or joint legal custody, periods of physical placement or visitation rights of a minor child;
 - (3) A person's household includes one or more minor or adult relatives;
 - (4) A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom they have visitation rights;
 - (5) A person's household includes one or more adults or minor children placed in their care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.
- (i) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (j) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (k) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (l) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.
- (m) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (n) **Person.** Individuals, children, firms, as, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (a) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d)(a) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.

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~~(e)(a) **Person.** Individuals, children, firms, as, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.~~

~~(a) **Owner.** Lessee, sublessee, co tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.~~

~~(b)(a) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.~~

~~(e)(o) **Real Estate Broker/Real Estate Salesman.** Any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration or who with the intention or~~

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expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

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~~(p) **Respondent**, means the person accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.~~

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~~(q) **Real Property**, Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.~~

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~~(r) **Sexual Orientation**. Has the meaning given in Wis. Stat. § 111.32(13m)~~

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~~(d)(a) **Housing Accommodation/Dwelling**. Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.~~

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~~(j)(a) **Mortgage Broker**. An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.~~

~~(k)(a) **Open Market**. The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.~~

SEC. 15-7-3 UNLAWFUL PRACTICES DISCRIMINATION PROHIBITED.

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, private sale, purchase, rental or lease of any accommodation, it shall be unlawful within the Village for any person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to discriminate:

(a) By refusing to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person ~~because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;~~ or

(b) By To discriminate against a person in therefusing to negotiate or discuss the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation; or in the furnishing of facilities or services in connection therewith; or

~~(a)(c) To By refusing~~ to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person ~~because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;~~ or

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~~(b) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth;~~ or

~~(c) To By refusing to permit~~ represent to a person that any housing accommodation is not available for inspection or exacting different or more stringent price, terms or conditions for

~~the, sale, purchase, rental or lease when in fact it is so available, or to refuse to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of housing; or~~

~~(d)~~

~~(e) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a~~

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policy to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of injury in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or

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(d) ~~To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith~~By advertising in a manner that indicates discrimination by a preference or limitation; or

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(e) ~~By To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental release will or may result in either:~~

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- (1) ~~The lowering of property values in the area;~~
- (2) ~~An increase in criminal or antisocial behavior in the area; or~~
- (3) ~~A decline in the quality of schools serving the area.~~

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(h)(f) ~~To making~~ any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Village for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or

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(g) ~~To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or reducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or~~By denying access to, or membership or participation in, a multiple listing service or other real estate service; or,

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(h) ~~By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot; or,~~

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(i) ~~By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant; or~~

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(j) ~~To~~By retaliating or discriminate in any manner against a person in any manner because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or,

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(k) ~~By falsely representing that housing is unavailable for inspection, rental or sale; or,~~

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(j)(l) ~~By coercing, intimidating, threatening, or interfering with a person in the exercise or enjoyment of, or on account of them having exercised or enjoyed a right granted or protected under this section or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section; or~~

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(k) ~~To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter, or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or~~

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(l) ~~By canvassing, to commit any unlawful practices prohibited by this Chapter; or~~

(m) ~~For a person in the business of insuring against hazards by refusing to enter int, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling; or~~Otherwise to deny to, or withhold any housing accommodation from,

a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(m)

(n) By refusing to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment and use of the housing.

(1) In the case of rental housing, a landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear.

(2) In the case of rental housing, the landlord may not increase any customarily required security deposit when a person with a disability requests a modification to the housing; or

(o) By segregating, separating, excluding or treating unequally in the sale or rental of, or to otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter; or

(p) By segregating, separating, excluding or treating unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person; or

(q) In providing the privileges, services, or facilities that are available in connection with housing; or

(r) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans, loan or other financial assistance which is to be made or given; or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such

(r)

(s) To deny any qualified person access to or membership or participation in any multiple – listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

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~~loan or other financial assistance which is to be made or given; or~~

~~(e) To deny any qualified person access to or membership or participation in any multiple listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.~~

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SEC. 15-7-4 REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES.

~~(a) No person may engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or reducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation.~~

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~~(b) No person may ~~To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap disability, marital status, family status, status as a victim of domestic abuse or sexual assault or stalking, lawful source of income, sexual preference orientation, sex, gender, age, or place of birth in the area to be affected by such sale, purchase, rental release will or may result in either:~~~~

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- ~~(1) The lowering of property values in the area;~~
- ~~(2) A deterioration in the character of the area;~~
- ~~(3) An increase in criminal or antisocial behavior in the area; or~~
- ~~(4) A decline in the quality of schools serving the area.~~

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SEC. 15-7-54 EXEMPTIONS.

This Chapter shall not apply to:

- ~~(a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, ~~handicap disability~~, marital status, ~~family status, status as a victim of domestic abuse or sexual assault or stalking, lawful source of income, sexual preference orientation~~, sex, ~~gender~~, age, or place of birth.~~
- ~~(b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.~~
- ~~(c) Any single family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single family houses at any one time; provided further, that in the case of the sale of any such single family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of~~

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~~such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owner or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single family houses at any one time; provided further, the sale, or rental of any such single family house shall be excepted from the application of this Chapter only if such house is sold or rented:~~

- ~~(1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and~~
- ~~(2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and~~
- ~~(3) Without the violation of Section 15 7 3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.~~

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(d) ~~Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.~~

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(b)

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SEC. 15-7-65 ENFORCEMENT.

(a) Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Village Board within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Village Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Ordinance shall cause the Village Board to forward the complaint and findings to appropriate State and Federal agencies.

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(b) ~~If the complaint alleges the Village is the discriminatory party, the complaint will be received but referred to the proper state or deferral agency and notice of the same will be provided to the complainant by the Village in writing.~~

(c) ~~Nothing in this Chapter shall be construed as prohibiting or in any way limiting the right of complainants to pursue in any appropriate court, any remedy or cause of action available to them under state or federal law.~~

SEC. 15-7-7 OTHER REMEDIES.

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(a) ~~A complainant, aggrieved person or respondent may elect to remove the action to circuit court after a finding has been made that there is reasonable cause to believe that a violation this Chapter has occurred.~~

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(b) ~~The Village is hereby authorized, at any time after a complaint has been filed alleging an Ordinance violation, to file a complaint in circuit court seeking a temporary injunction or restraining order pending final disposition of the complaint.~~

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Tony Bunkelman

From: Elaine Sutton Ekes <esekes@peglawfirm.com>
Sent: Wednesday, March 15, 2023 12:37 AM
To: Tony Bunkelman; Erika Waege
Cc: Eileen M. Zaffiro; Kathy Kasper; Rebecca Shepro
Subject: Title 15 chapter 7 and 8
Attachments: 3-7-23-RJS edits Title 15 Chapter 7.docx

We are recommending that Ch. 8 be repealed and that section be reserved so the you do not have have to renumber the other sections. Federal and State law is better equipped to address ADA related compliance and grievances. The Village is not required to have this ordinance on the books.

In regards to Ch. 7 Fair Housing, we have attached a revised chapter showing suggested redlined changes. Per Rebecca's research, the ordinance promotes fair housing practices as set forth in the following statutes.

Under Wis. Stat. § 106.50(1), "Equal Rights Programs,"

"(1) Intent. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry **and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.0125 and 66.1011.** The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences that are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be considered an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity, and human rights of the people of this state."

Per Wis. Stat. § 66.1011 "Local equal opportunities:"

"(1) **Declaration of policy.** The right of all persons to have equal opportunities for housing regardless of their sex, race, color, disability, as defined in s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), religion, national origin, marital status, family status, as defined in s. 106.50 (1m) (k), status as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), lawful source of income, age, or ancestry is a matter both of statewide concern under ss. 101.132 and 106.50 and also of local interest under this section and s. 66.0125. **The enactment of ss. 101.132 and 106.50 by the legislature does not preempt the subject matter of equal opportunities in housing from consideration by political subdivisions, and does not exempt political subdivisions from their duty, nor deprive them of their right, to enact ordinances that prohibit discrimination in any type of housing solely on the basis of an individual being a member of a protected class.**

(1m) Definitions. In this section:

- (a) "Aggrieved person" has the meaning given in s. 106.50 (1m) (b).
- (b) "Complainant" has the meaning given in s. 106.50 (1m) (c).
- (c) "Discriminate" has the meaning given in s. 106.50 (1m) (h).
- (d) "Member of a protected class" has the meaning given in s. 106.50 (1m) (nm).
- (e) "Political subdivision" means a city, village, town or county.

(2) Antidiscrimination housing ordinances. Political subdivisions may enact ordinances prohibiting discrimination in housing within their respective boundaries solely on the basis of an individual being a member of a protected

class. An ordinance may be similar to ss. 101.132 and 106.50 or may be more inclusive in its terms or in respect to the different types of housing subject to its provisions. An ordinance establishing a forfeiture as a penalty for violation may not be for an amount that is less than the statutory forfeitures under s. 106.50 (6) (h). An ordinance may permit a complainant, aggrieved person or respondent to elect to remove the action to circuit court after a finding has been made that there is reasonable cause to believe that a violation of the ordinance has occurred. An ordinance may authorize the political subdivision, at any time after a complaint has been filed alleging an ordinance violation, to file a complaint in circuit court seeking a temporary injunction or restraining order pending final disposition of the complaint.

(3) Contingency restriction. No political subdivision may enact an ordinance under sub. (2) that contains a provision making its effective date or the operation of any of its provisions contingent on the enactment of an ordinance on the same or similar subject matter by one or more other political subdivisions.”

Elaine

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CHAPTER 9

Property Address Signs

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
15-9-1	Property Address Signs Required		

SEC. 15-9-1 PROPERTY ADDRESS SIGNS REQUIRED.

- (a) **Single and two-family buildings.** All single family and two-family residential buildings shall have street numbers, not less than 2-1/2 inches high, placed on the exterior wall of the principal building that faces the street, road or service drive providing access to the building.
- (b) **Multi-family buildings.** All multi-family buildings shall have street numbers, not less than 2-1/2 inches high, placed on the exterior wall of the principal building that faces the street, service drive or parking lot and located adjacent to the individual unit entrances to the buildings. In addition, each building shall be identified by a letter or number, not less than 12 inches high, and located near the top of the building wall facing the street, service drive, or parking lot serving the building. At the entrance of each access drive, there shall be a directory listing of the street numbers and building identifications that are accessible from the access drive.
- (c) **Commercial & Industrial buildings.** All commercial or industrial buildings shall have street numbers, not less than 6 inches high, placed on the exterior wall of the principal building facing the street, service drive, or parking lot providing access to that building and located adjacent to any primary entrance door. All commercial or industrial structures, which have a rear service door, shall identify the occupant and the street address conspicuously on the rear door in contrasting and reflective letters and numbers not less than 6 inches in height, which shall be continually maintained.
- (d) **Requirements.** All street number signs shall be readily visible from the street, road, or service drive, have a contrasting background from the numerals, and if possible be reflective.
- (e) **Exception.** For those buildings that are not readily visible from the street, there shall be an address sign posted within 3 feet of the property's Right of Way, at the driveway, with numerals of the proper size as required for visible buildings as provided in this Section.
- (f) **Enforcement and Penalty.** The Village of Caledonia Building Inspection and Police Departments shall have the authority to enforce compliance with the provision of this Ordinance. Any person who violates the provisions of this Ordinance shall, upon conviction, forfeit not less than \$25 nor more than \$200 and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs, may be imprisoned in the county jail until payment is made, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense. Any person charged with a violation under this Section may pay the amount of \$75 plus costs at the Caledonia Police Department in lieu of a court appearance.

CHAPTER 12

Property Exterior Maintenance Code

Commented [RS1]: All statutory references and cross references are correct.

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SEC. 15-12-1 Intent, Purposes.

- (a) **Intent.** This Chapter is adopted to preserve and promote the public health, safety, morals, comfort, convenience, prosperity, and general welfare of the people of the Village and its environs, including, but not limited to, physical, aesthetic, and monetary values. The establishment and enforcement of minimum standards of habitation and property conservation is necessary to preserve and promote the private and public interest.
- (b) **Purpose.** The purpose of this Chapter is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential and non-residential buildings, structures, yards, and vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the Village as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the Village.

SEC. 15-12-2 Applicability.

The provisions of this Chapter shall apply to all properties and buildings within the Village and its jurisdiction.

SEC. 15-12-3 Maintenance Required; Definition.

The exterior of all properties and premises including the open space of the property or premises shall be maintained in a clean, safe and sanitary condition, free from accumulation of any combustible or non-combustible materials, debris and refuse. Debris and refuse shall include but not be limited to: broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; new and used lumber or other wood that is not part of a structure or that is not used as firewood and is not stacked or stored in a neat manner on the property; paper, rags, animal waste, cardboard, rubber, plastic, wire, tin and metal materials; discarded household goods or appliances, junk lawn mowers, snow blowers, tires, tire rims or used motor vehicle parts, machine parts, junked boats or junked recreational vehicles; tar paper residue from burning or similar materials which constitute health, fire or safety hazards or any other materials that have a detrimental visual and aesthetic impact upon the neighborhood in which the property is located or the village in general, which tend to cause a blighted condition as defined under state law, or which emit a noxious, foul or offensive odor. The provision of this section shall not apply to materials stored or maintained on a property in conjunction with any business, manufacturing or other use which meets applicable Village Ordinance including but not limited to Fire, Building and Zoning Code requirements and restrictions.

SEC. 15-12-4 Access to Property

After presenting proper identification, the Building Inspector, or the Police Chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Chapter and related Ordinances. If denied access, the [Village, through its agents or employees, Code Official](#) may ~~acquire request and obtain~~ a special inspection warrant [from the Village Municipal Judge](#) for such access, pursuant to Sec. 66.0119, Wis. Stat., as amended from time-to-time.

SEC. 15-12-5 Enforcement

(a) Enforcement.

(1) **Order to correct conditions.** Whenever the Village, through its agents or employees shall, upon inspection of the premises within the Village, find the condition of the property or premises is in violation of this Chapter, an order shall be issued to the owner (and occupant if different from owner) of the premises or property to correct said condition by the Building Inspector or designee.

(2) **Order; Contents.** Contents of the order shall include:

- a. A description of the premises and the violation of the Chapter;
- b. A statement of the correction necessary to bring the property into compliance;
- c. A statement specifying the time within which the owner and occupant shall comply with the order; and
- d. A statement of the penalty section of the ordinance for noncompliance.

SEC. 15-12-6 Service

The order shall be served on the owner (and occupant if different from owner) by delivering the same to and leaving it with any adult competent person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place near the entrance of the premises accompanied by regular mail to the owner and occupant of the premises.

SEC. 15-12-7 Failure to Comply; Declaration of Public Nuisance.

(a) Failure to comply.

(1) **Citation.** Any person, firm or corporation violating any provision of this Chapter shall be subject to the general penalty provisions of this code [under Sec. 1-1-6 of this Code of Ordinances](#). A citation may be issued pursuant to [Sec. 1-2-5 and Title 1 Chapter 2](#) of the ~~Village's this~~ Code of ~~f~~ Ordinances [with additional authority for issuance of citations under](#)

this Chapter specifically granted to the Village Developer Director and their designee for Code enforcement.

(2) **Cause work to be done.** Upon failure to comply with an order where there is proof of service of said order which requires that any premises or property be cleaned or condition abated or improved in accordance with this Chapter, the Village may cause such cleaning, improvement, abatement or removal of the offending combustible or incombustible materials, debris, or refuse. Such repair or removal shall be deemed a special benefit to such property and the costs of the same shall be charged against the owner(s) of the property. If the cost of the same is not paid within 60 (sixty) days, it shall be levied as a special charge against the property as authorized by Section 66.0627 of the Wis. Stat.

(3) **Injunctive Relief.** In addition to other applicable enforcement procedures the Village shall have the right to abate any violation of this Chapter by an action for injunctive relief in Racine County Circuit Court.

(b) Declaration of Public Nuisance.

A violation of this Chapter is deemed a public nuisance and may be proceeded against as set forth under Title 11 Chapter 6 of this Code of Ordinances and Chapter 823 of the Wisconsin Statutes.

SEC. 15-12-8 Reinspection Fees

The following fees shall be imposed for the administration of this Chapter.

- First re-inspection fee of \$75.00 per property upon verification of continued violation by Village Building Inspector or designee.
- Each additional re-inspection after the first re-inspection fee is \$100.00 per property.

If a property owner fails to pay such fees after billing, the Village may impose such fees as against the property pursuant to applicable law and collect such charges on the property tax bill each year.