

# TABLE OF CONTENTS

## SECTION 1 GENERAL GOVERNMENT

1:00	Adopting Ordinance
1:01	Issuance of Citations and Fines
1:02	Document Fees
1:03	Personal Conduct/Work Rules for Town Officials
1:04	Duties of the Town Constable
1:04A	Appointment of Humane Officer
1:05	Request for Special Town Meetings
1:06	Request for Special Board Meetings
1:07	Official Depositories for Public Funds
1:08	Ordinance for Alternative Claim Procedure for Refunds of Tax Payments in Excess of Tax Bill Amounts
1:09	Election Officials
1:10	Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes
1:11	Fees for Special Town Board Meetings Related to Zoning Issues
1:12	Designating Officials Pursuant to Chapter 173.03(2). Wisconsin Statutes
1:13	Extension of Officers Terms in Response to Election Law Changes
1:14	Appointment of Clerk and Treasurer
1:15	Destruction of Obsolete Records

## SECTION 2 PEACE AND ORDER

2:00	Loitering
2:01	Curfew for Youth
2:02	Regulation and Licensing of Dogs
2:03	Storage of Junked Vehicles
2:04	Regulation of Transient Merchants Town of Dale Registration for Transient Merchants
2:05	Regulation of Public Entertainment
2:06	Regulation of Stop Signs
2:07	Speed Limits
2:08	Snowmobile Use on Town Roads
2:09	Parking for Snow Removal
2:10	Destruction of Town Property
2:11	Regulation of School Bus Flashing Lights Within Areas Served by Sidewalk on Both Sides
2:12	Parking Regulations
2:13	Outdoor Wood Burning Furnace
2:14	Loud and Unnecessary Noise
2:15	All Terrain/Utility Terrain Vehicles & Routes

## SECTION 3 UTILITIES

3:00	Rules of the Dale Sanitary District
3:01	Cablevision Franchise

## SECTION 4 PARKS

4:00	Public Parks
4:01	Park and Recreation Fee Ordinance

## **SECTION 5 LICENSE AND PERMITS**

- 5:00 Burning Permits
- 5:01 Class B Beverage License
- 5:02 Amended Provisional Bartender's License
- 5:03 Prohibiting Issuance of Alcohol, Beverage License for Nonpayment of Taxes, Assessments and Claims
- 5:04 Amended Ordinance Establishing Fire Protection Charges
- 5:04A Reimbursement for Fire Protection Charges
- 5:05 Sign Regulations
  - A. Resolution Providing Fee Schedule for Sign Regulation Ordinance
  - B. Town of Dale Sign Application & Permit
- 5:06 Utility Service Permits

## **SECTION 6 HOUSING AND CONSTRUCTION**

- 6:00 Building Permits
  - Resolution Providing Fee Schedule for Ordinance 6:00 and 6:06
- 6:01 Building Code
- 6:02 Adoption of Wisconsin Uniform Dwelling Code
- 6:03 Prohibiting the Use of Holding Tanks for New Construction
- 6:04 Culvert Specification
- 6:05 Mandatory Refuse Pick-up
- 6:06 Town Road Access and Drainage Ordinance
- 6:07 Shared Driveway Prohibited
- 6:08 911 Address Signs, Removal—Obstruction Prohibited
- 6:09 Minimal Driveway Clearance
- 6:10 Electrical Ordinance

## **SECTION 7 DEVELOPMENT**

- 7:00 Plat/Certified Survey Map Review Application
- 7:01 Road Specifications
- 7:01 Road Construction and Inspection
- 7:02 Certified Survey Map Approval
- 7:03 Requiring the Signing of a Roadway Agreement
  - Roadway Development Agreement
  - Resolution to Accept All Roads in Development Agreement
- 7:04 Right of Way for Public Access
- 7:05 Subdivision Ordinance
- 7:06 Land Division Review Ordinance
- 7:07 An Ordinance to Adopt the Amended Comprehensive Plan of the Town of Dale Outagamie County, Wisconsin

## **SECTION 8 HIGHWAY MANAGEMENT**

- 8:00 Highway Superintendent
- 8:01 Official Map Ordinance
- 8:02 Roadside Maintenance
- 8:03 Weight Limits
- 8:04 Private Roads
- 8:05 Repair of Driveway Aprons

8:06

No Parking Zones

**TOWN OF DALE  
ORDINANCE 1:00**

**ADOPTING ORDINANCE**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

An Ordinance adopting and enacting a new Code of Ordinances for the Town of Dale, establishing the same; providing for the repeal of certain Ordinances not included therein, except as herein expressly provided; providing for the manner of amending such Code of Ordinances; providing a penalty for the violation thereof, and providing when this Ordinance shall become effective.

The Town Board of the Town of Dale Outagamie County, Wisconsin ordains as follows:

**SECTION 1**

The Code of Ordinances is hereby adopted and enacted as the "Code of Ordinances of the Town of Dale" and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent Ordinances of the Town passed on or before May 11, 1992, to the extent provided herein.

**SECTION 2**

All provisions of the Code shall be in full force and effect from and after May 11, 1992, and all Ordinances of a general and permanent nature of the Town of Dale enacted on final passage on or before May 11, 1992, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from the Code after May 11, 1992, except as hereinafter provided.

**SECTION 3**

- A.** The repeal provided for in Section 2 hereof shall not affect the following:
1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance
  2. Any ordinance or resolution promising or guaranteeing the payment of money for the Town, or authorizing the issuance of any bonds of the Town or any evidence of the Town's indebtedness, or any contract or obligations assumed by the Town
  3. The administrative Ordinances or resolutions of the Town not in conflict or inconsistent with the provisions of the Code
  4. Any ordinance or resolution fixing salaries of officers or employees of the Town;
  5. Any appropriation ordinance or resolution
  6. Any right or franchise granted by the Town Board to any person, firm or corporation
  7. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the Town
  8. Any ordinance or resolution establishing or prescribing the street grades of any streets in the Town
  9. Any ordinance or resolution providing for local improvements or assessing taxes therefore
  10. Any ordinance or resolution dedicating or accepting any plat or subdivision in the village
  11. Any ordinance annexing property to the Town
  12. Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures; building codes
  13. Zoning ordinances, except that certain provisions were amended as part of this recodification
  14. Charter ordinances
- B.** Nor shall the repeal be construed to revise any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance

**SECTION 4**

A copy of the Code shall be kept on file in the office of the Town Clerk, preserved in loose-leaf form, or in such other form as the Town Clerk may consider most expedient. It shall be the express duty of the Clerk or someone authorized by the Clerk, to insert in their designated places all amendments, Ordinances or resolutions which indicate the intention of the Town Board to make the same a part of the Code when the same have been printed or reprinted in page form, and to extract from the Code all provisions which may be repealed from time to time by the Town Board. This copy of the Code shall be available for all persons desiring to examine it.

**SECTION 5**

All Ordinances or parts in conflict herewith are, to the extent of such conflict, hereby repealed.

**TOWN OF DALE  
ORDINANCE 1:01**

**ISSUANCE OF CITATIONS AND FINES**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**SECTION 1 STATUTORY AUTHORITY**

Pursuant to section 66.119 of Wisconsin Statutes, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin, hereby elects to use the citation method of enforcement of town ordinances described herein other than those for which a statutory counterpart exists.

**SECTION 2 FORM OF CITATION**

- A.** The citation shall contain the following
1. The name and address of the alleged violator
  2. The factual allegations describing the alleged violation
  3. The time and place of the offense
  4. The section of the ordinance violated
  5. A designation of the offense in such as can readily be understood by a person making a reasonable effort to do so
  6. The time at which the alleged violator may appear in court
  7. A statement which in essence informs the alleged violator:
    - a. That a cash deposit based on the schedule established by this ordinance may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
    - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
    - c. That if a cash deposit is made and alleged violator does not appear in court, he will be deemed to have entered a plea of “no contest,” or if the court does not accept the plea of “no contest,” a summons will be issued commanding him to appear in court to answer the complaint.
    - d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
  8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under “7” above has been read. Such statement shall be sent or brought with the cash deposit;
  9. Such other information the Town deems necessary.

**SECTION 3 SCHEDULE OF DEPOSITS**

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

<b><u>ISSUANCE TITLE</u></b>	<b><u>OFFENSE</u></b>	<b><u>DEPOSIT –COSTS</u></b>
Loitering No.	Violation	\$25 plus court costs
Curfew No.	Violation	\$25 -\$50 plus court costs
Junked Vehicles No.	Violation	\$50 plus court costs
Public Entertainment No.	Violation	\$500 plus court costs
Building Permit No.	Failure to obtain	Double the fee plus cost
Burning Permits No.	Violation	\$25 plus court costs
Park Ordinances No.	Violation	\$25 plus court costs

Stop Sign No.	Violation	\$25 plus court costs
Dog License No.	Violation	\$10 – \$100 plus court costs
Snow Removal Parking	Violation	\$25 - \$50 plus court costs
Weight Limits	Violation	\$100 – \$250 plus court costs
Destruction of Town Property	Violation	\$25 - \$500 plus court costs

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

**SECTION 4 ISSUANCE OF CITATION**

The following officials may issue citations with respect to those specified ordinances, which are directly related to their official responsibilities. All citations issued by anyone other than the County Sheriff shall be issued in writing and by certified mail only.

<b><u>ORDINANCE TITLE</u></b>	<b><u>ENDORSEMENT OFFICIAL</u></b>
Loitering	County Sheriff
Curfew	County Sheriff
Junked Vehicles	Chairperson or County Sheriff
Building Permit	Building Inspector
Dog License	Constable
Burning Permit	Fire Chief
Park Ordinance	County Sheriff
Stop Sign	County Sheriff
Snow removal Parking	County Sheriff
Weight Limits	County Sheriff
Destruction of Town Property	County Sheriff

**SECTION 5 PROCEDURE**

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

**SECTION 6 NONEXCLUSIVITY**

OTHER ORDINANCE

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

**OTHER REMEDIES**

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

**SECTION 7 SEVERABILITY**

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

**TOWN OF DALE  
ORDINANCE 1:02**

**DOCUMENT FEES**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

The Town of Dale will make available to both Town of Dale residents and non-residents at their request a copy of the Town Ordinances, records, and /or documents. The cost per copy shall be \$.25 cents per page. For documents to be mailed the cost per copy shall be \$.50 cents for the first page and \$.25 cents per page thereafter, plus the cost of first class postage at the time of mailing.

Mailing lists, and not labels, shall be provided at a cost of \$25.00. For lists to be mailed the cost shall include the cost of first class postage at the time of mailing.

**TOWN OF DALE  
ORDINANCE 1:03**

**PERSONAL CONDUCT/WORK RULES FOR TOWN OFFICIALS**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**SECTION 1 MISCONDUCT**

**A. PERSONAL CONDUCT POLICY**

The written personal conduct policy and program of the Town of Dale shall be developed, implemented, and administered to encourage courteous, non-discriminatory, respectful and legal behavior among all Town of Dale officers. Certain conduct by any Town of Dale officer may be labeled misconduct by the Town Board of the Town of Dale upon the development of a policy by the Town Board of the Town of Dale regarding such conduct or upon specific administrative action by the Town Board of the Town of Dale.

**B. SPECIFIC MISCONDUCT**

All elected and non-elected officials, regardless of any seniority, part-time or full-time status, or position, shall not demonstrate or participate in the following Town of Dale employment conduct or Town of Dale office conduct:

1. Intentionally use or misuse the property owned or leased by the Town of Dale without exercising due care in protecting this property. The Town of Dale, and its officers will comply with Sec. 193.445 (1988-1989), Wis. Stats. related to wage or salary deductions for faulty workmanship, loss, theft or damage.
2. Intentionally possess and intentionally maintain any alcoholic beverage or controlled substance on any property owned by or leased by the Town of Dale without approval of the Town Board of the Town of Dale. The officers, if they receive these items, shall immediately place these items with the Town Constable, the County Sheriff, or other law enforcement officers. This provision shall not apply to officers where the item is obtained with a medical prescription.
3. Transport to, store, possess, or use alcoholic beverages or any controlled substance on any property owned by or leased by the Town of Dale without the approval of the Town Board of the Town of Dale. This provision shall not apply to any officers where the item is obtained with medical prescription.
4. Drink alcoholic beverages or using controlled substances during working hours or on property owned by or leased by the Town of Dale without a medical prescription or without approval of the Town Board of the Town of Dale. They shall refrain in all respects from reporting to work or working under the influence of alcohol or a controlled substance without a proper medical prescription or without approval of the Town Board of the Town of Dale. Any officer with a problem related to alcohol or drug abuse is encouraged to secure counseling or other treatment. Alcohol or drug abuse alone will not be the basis for the Town Board of the Town of Dale to order dismissal. However, alcohol or drug abuse will not be tolerated during working hours.
5. Except for emergencies approved by the Town Chairman, use of the telephone of the Town of Dale for making or receiving personal telephone calls. The use or stealing of the Town of Dale stamps, postage machines, mailing services, stationary and other office supplies, including Town vehicles is prohibited.
6. Demonstrate any reckless conduct on property owned by or leased by the Town of Dale.
7. Commit or provoke any physical assault on property owned by or leased by the Town of Dale or upon any elected or non-elected officer.
8. Steal or illegally dispose of any property from the Town of Dale, by any elected or nonelected officer.
9. Intentionally possess any firearm or other dangerous weapons during working hours or on property owned by or leased by the Town of Dale without approval of the Town Board of the Town of Dale.
10. Commit any illegal gambling during working hours or on property owned by or leased by the Town of Dale.
11. Release confidential information of the Town of Dale to any party including any closed records of the Town of Dale without the approval of the Town Board of the Town of Dale.
12. Threaten or intimidate any elected or non-elected officer.
13. Cause any sexual harassment of any elected or non-elected officer.

14. Smoke during working hours or on the property owned by or leased by the Town of Dale, except where smoking is permitted.
15. Falsify Town of Dale records or conceal false records made by any other Town of Dale officer.
16. Violate any of the Town of Dale ordinances regarding political activity for any Town of Dale officer.
17. Violate the Town of Dale ordinance regarding ethics of the Town of Dale officers.
18. Use abusive or profane language before Town of Dale officers or before the general public.
19. Intentionally fail or refuse to perform a known mandatory non-discretionary, ministerial duty of his or her office or employment for the Town of Dale within the time or in the manner required by law.
20. In his or her capacity as an officer of the Town of Dale, does act, which he or she knows is, in excess of his or her lawful authority or which, he or she knows, he or she is forbidden by law to do in his or her official capacity.
21. Whether by act of commission or omission, in his or her capacity such Town of Dale officer exercise a discretionary power in a manner inconsistent with the duties of his or her office or the rights of others and with intent to obtain a dishonest advantage for himself or herself or another.
22. In his capacity as such Town of Dale officer, make an entry in an account or record book or return certificate, report, or statement which in a material respect he or she intentionally falsifies.
23. Under color of his or her Town of Dale, intentionally solicit or accept for the performance of any service or duty anything of value which he or she knows is greater or less than is fixed by law.

The above described conduct shall be considered misconduct sufficient to require discipline by the Town of Dale for any Town of Dale non-elected officer. Discipline may include, at the discretion of the Town Board of the Town of Dale, removal from office in the Town of Dale. For elected officials, certain misconduct described above may be sufficient to have these officials charged in criminal court with a felony for misconduct in office under Sec. 946.12 (1988-1989) Wis. Stats. or to have these officials charged in criminal court with bribery of public officers and employees under Sec. 946.10 (1988-1989) Wis. Stats.

## **SECTION 2 NON-DISCRIMINATION**

The Town of Dale by its officers shall not act in any discriminatory manner as noted in Sec. 111.321 and 111.332 (1988-1989) Wis. Stats. in establishing, maintaining and enforcing terms and conditions of employment for Town of Dale employees or non-elected Town of Dale officers, including the establishment and enforcement of any work rules established by the Town Board of the Town of Dale or its designees.

## **SECTION 3 SEVERABILITY**

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

**TOWN OF DALE  
ORDINANCE 1:04**

**DUTIES OF THE TOWN CONSTABLE**

**WHEREAS**, the Town Board of Supervisors, pursuant to Wisconsin Statutes, can determine the jurisdiction and duties of the town constable:

**SECTION 1 STATUTORY AUTHORITY**

The Town Constable of the Town of Dale, Outagamie County, Wisconsin shall:

Impound cattle, horses, sheep, swine, and other animals at-large on the highways in violation of any duly published ordinance adopted by the Town Board of Supervisors.

Make a monthly report to the Town Board at the regularly scheduled meeting of the Town Board of Supervisors.

Enforce all state statutes and Town ordinances regarding the control, seizure, and management of dogs and cats and other small animals.

**SECTION 2 NONEXCLUSIVITY**

Other Ordinance

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

Other Remedies

The jurisdiction and duties of the Town Constable as stated herein shall not preclude the Town Board or any Town officer from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

**SECTION 3 SEVERABILITY**

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

**RESOLUTION 1:04A**

**APPOINTMENT OF HUMANE OFFICER**

**Resolution of the Town Board of the Town of Dale, Outagamie County, Wisconsin**

**WHEREAS**, The Town Board of the Town of Dale, Outagamie County, Wisconsin, by this resolution and ordinance, adopted on proper notice with a quorum and by a roll call vote of a majority of the Town Board present and voting resolves and orders as follows:

Sandy Gadamus is appointed to the office of Humane Officer for the Town of Dale effective Feb 1, 2004. The appointment should be reported to the Town Clerk, to the State Department of Agriculture, Trade, and Consumer Protection within thirty (30) days after the effective date of the appointment.

The Town Board of the Town of Dale, Outagamie County, Wisconsin, by this Resolution and Ordinance, adopt on proper notice with a quorum and roll call vote of a majority of the Town Board present, The Town Board ordains as follows: Pursuant to Section 173.03(2) of the Wisconsin Statutes, the Town of Dale Town Board designates the Town Chairman and each Town Supervisor as those individuals who may modify or withdraw Abatement Orders issued under Section 173.11(2) and (3) of the Wisconsin Statutes by the Town of Dale Humane Officer.

Adopted this 13 day of January 2004.

**TOWN OF DALE  
ORDINANCE 1:05**

**REQUEST FOR SPECIAL TOWN MEETINGS**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**In the Town of Dale**, a special Town meeting may be convened if:

- A. Called by any annual Town meeting or special Town meeting.
- B. Called by written request, signed by a number of electors equal to but not less than ten percent (10%) of the votes cast in the Town of Dale for governor at the last general election as filed with the Town Clerk of the Town of Dale.
- C. Called by the Town Board of the Town of Dale.
  - 1. Special Town meeting request or special Town meeting call shall contain the time, date, and purpose of the special Town meeting. The locations for the special Town meeting shall be where the preceding annual Town meeting was held, unless the location is changed by the Town Board of the Town of Dale. A special Town meeting may reconvene to a time and date certain if the resumed special Town meeting is held within thirty (30) days of the original scheduled special Town meeting.
- D. Any business which may be transacted by the annual Town meeting of the Town of Dale may be transacted at a special Town meeting. The Town Clerk of the Town of Dale, no more than twenty (20) days nor less than fifteen (15) days before the date of the special Town meeting, shall publish a Class 2 public notice of the special Town meeting under Chap. 985, (1988-1989) Wis. Stats. The public notice shall state the purpose, date, time, and location of the special Town meeting. If the Town of Dale has designated a weekly publication as the official general circulation newspaper, the Town Clerk shall post the meeting notice in at least three (3) public places and publish once in the official newspaper. If, in addition, public notice is posted at the usual and customary location, the same time and content requirements shall apply.

**TOWN OF DALE  
ORDINANCE 1:06**

**REQUEST FOR SPECIAL BOARD MEETINGS**

**WHEREAS**, the Town Board of the Town of Dale, Outagamie County, Wisconsin, hereby resolves as follows:

**WHEREAS**, the Town Board on occasion, has been requested to hold a special meeting by some interested party or parties for the express purpose of acting upon a matter that cannot be held over to the regular monthly meeting; and

**WHEREAS**, the Town of Dale incurs certain costs in holding such special meeting,

**NOWHEREFORE**, be it resolved that:

With every request for a special meeting requested by an individual or group for certain board action to be taken, that a check totaling the cost of the meeting shall accompany such request.

The cost shall include the per meeting salary of each board member and clerk, and if the treasurer is required, his or her salary shall also be included, and

There shall be a \$10.00 (ten dollar) surtax imposed for the use of the Town Hall, and

Such request for a special meeting shall be in writing and must be submitted at least 24 hours prior to the time for posting notices of such meeting, and

The Town Board shall consent in writing to the special meeting.

**TOWN OF DALE  
ORDINANCE 1:07**

**OFFICIAL DEPOSITORIES FOR PUBLIC FUNDS**

**WHEREAS** the Town of Dale is an official governmental entity authorized and responsible for receiving, holding, and dispersing public funds,

**NOW THEREFORE**, the Town Board of Supervisors of the Town of Dale hereby establish the First State Bank of Dale and the Wolf River Community Saving's Bank of Hortonville as official depositories for public funds.

**TOWN OF DALE  
ORDINANCE 1:08**

**ORDINANCE FOR ALTERNATIVE CLAIM PROCEDURE FOR REFUNDS OF TAX  
PAYMENTS IN EXCESS OF TAX BILL AMOUNTS**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**SECTION 1 PURPOSE AND INTENT**

It is the declared intents of this ordinance that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this ordinance with-in 15 business days of the payment. Further it is the declared intent that this policy shall be in full force and effect upon adoption by the Town Board, with the purpose of complying with Sec. 74.03(2) of Wis. Statutes ( as adopted by 1997 Wis. Act 315).

**SECTION 2 AUTHORITY**

This ordinance is adopted pursuant to the authority granted to Town Boards under Sec, 60.44 (2) of Wis. Statutes to adopt an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.

**SECTION 3 REQUIRED PROCEDURES OF TREASURER UPON PAYMENT OF EXCESS  
AMOUNT OVER TAX BILL AMOUNT**

Pursuant to Sec. 60.34 of Wis Statutes upon receipt of tax payments in excess of the tax bill, the Town Treasurer shall deposit as soon as practicable all payments in the name of the town in public depositories designated by the town board. Upon verification by the Town Treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but not later than ten days after depositing, the treasurer shall notify the Town Clerk in writing: the name and mailing address of the taxpayer for whom a refund in excess of the tax bill amount is due, the amount of the refund in excess of the tax bill, the date payment was received, and a statement that the payment as made has cleared and not been returned as insufficient funds.

**SECTION 4 REQUIRED PROCEDURES OF CLERK UPON NOTIFICATION FROM TREASURER  
OF EXCESS PAYMENT OF TAX BILL AMOUNT**

Upon written notification from the Town Treasurer that a taxpayer has made a tax payment in excess of the tax bill amount, the Town Clerk shall issue the normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount upon finding the following:

Funds are available to pay the bill, assuming the tax payment has cleared and not been returned as is evidenced by the treasurer's notice.

The town board has authorized the refund of excess tax payments as established by the adoption of this ordinance.

The refund is due in the amount noticed by the Town Treasurer as a tax payment in excess of the amount of the tax bill.

The refund is valid claim against the town, being a payment in excess of the tax bill amount.

Further the Town Clerk shall prepare monthly, to be submitted to the town board at each monthly board meeting, a list of claims paid under this procedure, listing the amount of the claims, the date paid, the name of the taxpayer, and that the payment was a refund for excess tax payment.

**SECTION 5 ISSUANCE OF DISBURSEMENT FROM LOCAL TREASURY.**

Upon approval of a voucher by the Town Clerk under the procedures listed in Sec. 4 of this ordinance, a refund check payable to the taxpayer named in the voucher or authorization and in the amount approved shall be written by the Town Treasurer and countersigned by the Town Clerk and the town chairperson, pursuant to Sec. 66.042 of Wis Statutes shall be issued not later than 15 business days from the date the tax payment was received by the Town Treasurer as noticed by the Town Treasurer in Sec. 3 of this ordinance.

**SECTION 6 MAILING OR DELIVERY OF REFUND CHECK TO TAXPAYER.**

Upon issuance of the proper countersigned refund check, pursuant to the procedures in this ordinance, the refund check shall be delivered to the taxpayer or mailed to the last known mailing address of the taxpayer by the Town Clerk.

**TOWN OF DALE  
ORDINANCE 1:09**

**ELECTION OFFICIALS**

**WHEREAS**, the Town Board of Dale, Outagamie County, Wisconsin. In order to better facilitate the management of elections, does hereby make the following findings and ordinance.

**SECTION 1 FINDINGS**

The presumptive number of inspectors for all elections, pursuant to statute, is seven (7).

The nature of the elections, including but not limited to the issues and candidates, varies between elections and results in significantly different turnouts.

Further, it is inadvisable that polling inspectors be required to be present the entire period of time which a poll is open and ballots are counted.

The Town Clerk is charged with supervision of elections, and the Town Board may also appoint a chief inspector to act in the clerk's behalf.

The Town Board may also reduce the number of election officials to no less than three (3) and may provide for selection of alternates and officials, and provide for the selection of two (2) sets of officials to work at different times on Election Day.

It is in the best interest to the town to grant the Town Clerk the discretion and authority to divide the election officials into two (2) sets with alternates, and to determine the number of election officials necessary for each election, subject to the minimum required elsewhere by law, and to appoint a chief inspector of elections.

Therefore, the Town Board of the Town of Dale does ordain as follows:

The Town Clerk shall have the authority and discretion to determine the number of election officials necessary for each election, but not less than three (3) per polling place.

The Town Clerk shall have the authority and discretion to divide the election workers appointed by the town board into not more than two (2) sets, with an equal number of alternates per set. Such sets of election officials to work at different times on Election Day as necessary.

The Town Clerk shall have the authority and discretion to appoint a chief inspector from the election officials appointed by the Town Board.

**TOWN OF DALE  
ORDINANCE 1:10**

**Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes**

**WHEREAS**, the Town Board of the Town of Dale of Outagamie County, Wisconsin does ordain as follows:

**SECTION 1 ADOPTION**

This ordinance adopts by reference Wisconsin Statute Sec. 70.47 (7) (af). Income and expense information provided by property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35 (1) of Wis. Statutes.

**SECTION 2 EXCEPTIONS**

An officer may make disclosure of such information under the following circumstances:

1. The assessor has access to such information in the performance of his/her duties.
2. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment.

Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law.

3. The officer is complying with a court order.
4. The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

**SECTION 3 SEVERABILITY**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with this provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 4 EFFECTIVE DATE.**

This ordinance shall take effect immediately upon passage and posting as provided by law.

Passed on the 9<sup>th</sup> day of May 2000.

**TOWN OF DALE  
AMENDED ORDINANCE 1:11**

**FEES FOR SPECIAL TOWN BOARD MEETINGS RELATED TO ZONING ISSUES**

**WHEREAS**, the Town Board of the Town of Dale Outagamie County, Wisconsin ordains as follows:

**SECTION 1 APPLICATION**

This Ordinance applies to all special meetings of the Town Board of the Town of Dale, requested by an individual or group, for certain board actions to be taken pertaining to or dealing with Town zoning issues, including, but not limited to, re-zoning of property, variances, special exemptions, and special use permits.

**SECTION 2 FEES**

In the event a special meeting of the Town of Dale Town Board is requested pursuant to this ordinance, then the individual, or group making such request, shall pay the current fee noted on the Town of Dale Fee Schedule at the time the request is made.

All requests for special meetings of the Town of Dale Town Board pursuant to this ordinance shall be in writing, addressed to the Office of the Town of Dale Town Clerk at W9641 STH 96, PO Box 83 Dale Wisconsin 54931 and such request shall be submitted at least twenty-four (24) hours prior to the time for posting notices of such meeting.

Adopted this 14th day of October, 2013

TOWN OF DALE BOARD

**TOWN OF DALE ORDINANCE 1:12**

**DESIGNATING OFFICIALS PURSUANT TO CHAPTER 173.03(2), WISCONSIN  
STATUTES**

**FINDINGS**

**WHEREAS**, the Town Board of Dale, Outagamie County, Wisconsin, having appointed a Humane Officer, the Town of Dale does ordain as follows:

**Section 1: Designation of Officials**

Pursuant to Section 173.03(2) of the Wisconsin Statutes, the Town of Dale Town Board designates the Town Chairman and each Town Supervisor as those individuals who may modify or withdraw Abatement Orders issued under Section 173.11 of the Wisconsin Statutes by the Town of Dale Humane Officer.

Adopted this 13<sup>th</sup> day of January, 2004.

# **TOWN OF DALE ORDINANCE 1:13**

## **Ordinance to Extend Town Officer Terms In Response to Election Law Changes**

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

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

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

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

Therefore, be it hereby ordained by the Town Board of the Town of DALE, OUTAGAMIE, County, that the terms of elected town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended until the 3rd Tuesday of April in the same year in which the terms would otherwise have expired.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

Adopted this 11<sup>TH</sup> day of FEBRUARY, 2013.

By the Town Board of the Town of DALE, OUTAGAMIE County, Wisconsin:

**TOWN OF DALE**  
**ORDINANCE No. 1:14**

**Appointment of Clerk and Treasurer**

The Town Board of the Town of DALE, OUTAGAMIE County, Wisconsin, does hereby ordain as follows:

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

The term of office for the appointed position(s) shall be set by the town board, but may not exceed 3 years per § 60.30(1e)(c). The town board may re-appoint the officer(s) for additional terms. However, removal by the town board during a given term of office may only be for “cause” as defined under § 17.001 and required by § 60.30(1e)(f).

The salary of the appointed position(s) shall be set by the town board and may not be reduced during the term of office.

This ordinance shall be in full force and effect from and after the date of its town board passage, notice after passage per § 60.80.

Adopted this 10<sup>th</sup> day of April, 2012.

Town of DALE, OUTAGAMIE County, Wisconsin.

# **TOWN OF DALE ORDINANCE 1:15**

## **DESTRUCTION OF OBSOLETE RECORDS**

### **SECTION 1 – TITLE AND PURPOSE**

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

### **SECTION 2 – AUTHORITY**

The Town Board of the Town of Dale, Outagamie County, Wisconsin, has the specific authority under s. 19.21 (4), Wis. Stats., to manage and destroy obsolete public records in the possession of the Town of Dale.

### **SECTION 3 – ADOPTION OF ORDINANCE**

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

### **SECTION 4 – FINANCIAL RECORDS**

The following Town of Dale town officers pursuant to s. 19.21 (5), Wis. Stats., may destroy the financial records except utility records, of which they are the legal custodians and that are considered obsolete according to the guidelines provided in the “Wisconsin Municipal Records Manual” and or “The Wisconsin Public Records Board Guidelines”.

### **SECTION 5 – UTILITY RECORDS**

The Town of Dale town officers, pursuant to s. 19.21 (5), Wis. Stats., may destroy the utility records which they are the legal custodians and that are considered obsolete according to the guidelines provided in the “Wisconsin Municipal Records Manual” and or “The Wisconsin Public Records Board Guidelines”.

### **SECTION 6 – OTHER RECORDS**

The Town of Dale town officers, pursuant to s. 19.21 (5), Wis. Stats., may destroy other records of which they are the legal custodians and that are considered obsolete according to the guidelines provided in the “Wisconsin Municipal Records Manual” and or “The Wisconsin Public Records Board Guidelines”. The destruction of election materials and records will be done in compliance and following guidelines of The Wisconsin Government Accountability Board.

### **SECTION 7 – RECORD REPRODUCTION**

Records to be kept and maintained by the Town of Dale may be preserved by use of microfilm or another reproductive device, optical imaging or electronic formatting as authorized by Wis. Stat. 19.21 (4)(c). As

provided by Wisconsin Statutes a reproduction created under authority of this section, created in such a manner, is an original for all purposes.

**SECTION 8 – HISTORICAL SOCIETY NOTIFICATION**

Prior to the destruction of any public record described in Sections 4, 5 or 6, at least 60 days’ notice in writing shall be given to the State Historical Society of Wisconsin.

**SECTION 9 – PENALTY PROVISIONS**

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50.00 nor more than \$100.00, plus applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

**SECTION 10 – SEVERABILITY**

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

**SECTION 11 – EFFECTIVE DATE, CONSTRUCTION**

This ordinance is effective on posting.

This ordinance shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative rules.

The town clerk shall properly post this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 10<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
Town of Dale Chairman

\_\_\_\_\_  
Town of Dale Clerk

Voted For: \_\_\_3\_\_\_

Voted Against: \_0\_\_\_\_\_



**TOWN OF DALE  
ORDINANCE 2:00**

**LOITERING**

**WHEREAS**, the Town Board of the Town of Dale Outagamie County, Wisconsin ordains as follows:

No person shall within the Town of Dale, Outagamie County, Wisconsin, loiter, idle, remain or loaf about any public buildings, place or premises, or wander about the streets, alleys, parks or other public places, either by day or night, whose actions give rise to a suspicion of wrong doing and who is unable to give a satisfactory account of himself.

No person shall within the Town of Dale, Outagamie County, Wisconsin, loiter, idle, remain or loaf about or near any structure, vehicle or private grounds who is there without the consent of the owner and is unable to account for his presence.

Any persons who shall violate any provision of this ordinance shall upon conviction forfeit Twenty-five (\$25.00) dollars and costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until the forfeiture and costs of prosecution are paid, but not exceeding three (3) days.

**SEVERABILITY**

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

**TOWN OF DALE  
ORDINANCE 2:01**

**CURFEW FOR YOUTH**

**WHEREAS**, the Town Board of the Town of Dale Outagamie County, Wisconsin ordains as follows:

**SECTION 1 CHILDREN IN THE STREET AT NIGHT**

It shall be unlawful for any child 17 years of age or under to loiter, idle, or remain upon any street or alley or other public place in the unincorporated Village of Dale or Village of Medina, located in the Town of Dale, between the hours of 10:00 P.M. on Sundays, Mondays, Tuesdays, Wednesdays or Thursdays and 6:00 A.M. the next day; and between the hours of midnight and 7:00 A.M. on Fridays and Saturdays; and any child sixteen or seventeen years old, by midnight and 6:00 A.M. the next day at all times, unless such child is accompanied by his parent, guardian, or other adult person having legal custody of such child or such child is in lawful employment making it necessary to be in such places after the times stated and can provide written proof of said employment. In addition, if a determination can be ascertained from a parent or parents and the child is obviously on the way to that destination, it is not a violation of this order.

**SECTION 2 PARENTAL VIOLATION**

It shall be unlawful for any parent, guardian, or person having legal custody of a child, seventeen years of age or under, to have such a child loitering, idling, or remaining upon any street or alley or other public place in the village between the hours of 10:00 P.M. on Sundays, Mondays, Tuesdays, Wednesdays or Thursdays and 6:00 A.M. the next day and between midnight and 6:00 A.M. on Saturdays or Sundays unless such child is accompanied by a parent, guardian, or the adult person having legal custody of such child, or if such child is in lawful employment making it necessary to be in such places after the time stated and has written proof of said employment or is on his or her way to a definite destination.

**SECTION 3 TIME**

Time referred to in this ordinance is determined by Central Standard Time except when Daylight Savings Time is in effect; then it is determined by Central Daylight Savings Time.

**SECTION 4 DETAINING A CHILD**

A child believed to be violating the provisions of this ordinance shall be interviewed by the proper police officer for proper identification, or if identification has been established, he or she may be given a citation and released per Chapter 48 of the Wisconsin Statutes. Every law enforcement officer while on duty, is hereby authorized to detain any child violating the provision of Section 1 above, until such time as the parent, guardian, or person having legal custody of the child shall be immediately notified, and the person so notified, shall as soon as reasonably possible thereafter, report to the police station for the purpose of taking the child into custody and shall sign a release for him.

**SECTION 5 PENALTY**

Any parent, guardian, or person having legal custody of a child described in Section 1 above and who violates any of the provisions of this ordinance shall forfeit not less than \$25.00 nor more than \$100.00 plus costs of prosecution and for any subsequent offenses shall forfeit not less than \$50.00 nor more than \$200.00 plus costs of prosecution. In default of the payment of forfeiture and costs or prosecution, he or she shall be imprisoned in county jail of Outagamie County, Wisconsin, until such costs of forfeiture and costs of prosecution are paid, but not exceeding ninety (90) days.

**SECTION 6 SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason declared to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Town Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional.

**TOWN OF DALE  
ORDINANCE 2:02**

**REGULATION AND LICENSING OF DOGS AND OTHER ANIMALS**

Whereas, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows: That Section 2:02 of the Town of Dale Ordinances is hereby replaced and recreated as follows:

**SECTION 1: PURPOSE**

The purpose of this Ordinance is to regulate animal control within the Town of Dale, Outagamie County, Wisconsin.

**SECTION 2: DEFINITIONS**

In this section, unless the context or subject matter otherwise requires:

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

“At large” means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog’s owner shall be deemed to be upon the owner’s premises. No person shall allow his or her dog or dogs to run at large in the Town of Dale beyond the property owned or leased by that person unless the dog is accompanied by and is under the control of the owner or another person.

“Officer” A designated officer appointed by the Town Board of the Town of Dale to enforce this Ordinance. This shall include the Town Chairman, Town Constable and any member of the Outagamie County Sheriff’s Department.

**SECTION 3: RESTRICTIONS ON KEEPING DOGS AND OTHER ANIMALS**

It shall be unlawful for any persons within the Town of Dale to own, harbor or keep any dog or animal which:

- A. Habitually pursues any vehicle upon any public street, alley, or highway in the Town.
- B. Assaults or attacks any person.
- C. Is at large within the limits of the Town.
- D. Habitually barks or howls to the annoyance of any person or persons.
- E. Kills, wounds or worries any domestic animal
- F. Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- G. Bites person/persons in the town of Dale.
- H. Remains unlicensed after waning from the Town of Dale.
- I. Causes damage to public or private property.
- J. Violates any provisions of Chapter 174 of the Wisconsin Statutes

**SECTION 4: SURRENDERING OF DOGS/CATS**

Dogs/Cats will be surrendered by the owner or by any other person in the Town of Dale upon demand of the Constable of the Town of Dale.

**SECTION 5: CONFINEMENT OF DOGS OR CATS IN BITE OR SCRATCH INCIDENT**

- A. If any dog or cat for which the owner holds a current rabies certificate is involved in a bite or scratch incident the owner shall quarantine and confine the animal under the supervision of a licensed veterinarian for at least 10 days from the date of the incident. The animal shall not be allowed to come in contact with other animals or people during the period of confinement. Supervision of a veterinarian

includes, at minimum, examination of the animal on the first day, on the 10<sup>th</sup> day and on one intervening day.

- B. Any dog or cat involved in a bite or scratch incident that has not been rabies vaccinated or has not been revaccinated within the prescribed times must be confined at a veterinary hospital, a licensed animal shelter, or a place designated by the Outagamie County Health Department.
- C. The owner of any dog or cat involved in a bite or scratch incident is responsible for any expenses incurred.

#### **SECTION 6 : IMPOUNDMENT AND DISPOSITION OF DOGS AND CATS**

Dogs and cats that are apprehended and confined shall be impounded at a facility approved by the Town Board. If the dog or cat has been confined by the Town Constable, there can be a charge of \$25.00 per day for confinement up to 3 days. After that time period or before, if the dog or cat has not been released to the owner it will be transported to Fox Valley Humane Association where the owner can reclaim their pet and pay any/all costs associated with reclaiming.

#### **SECTION 7: LOOSE ANIMALS**

The provision of Section 6, including costs, shall be applicable to any stray or loose animal apprehended and confined by the Town of Dale.

#### **SECTION 8: LICENSING OF DOGS**

It shall be unlawful for any person in the Town of Dale to own, harbor, or keep any dog more than five months of age without complying with Chapter 174 of the Wisconsin Statutes. Dog licensing shall be completed between January 1 and March 31<sup>st</sup> of each year. Owners shall purchase license at the fee set forth in the Town of Dale Fee Schedule. Owners will be charged a late penalty as set forth in the Town of Dale Fines and Forfeiture's Schedule if they fail to purchase a license prior to April 1 or within 30 days of acquiring a licensable (five months or older) dog. A valid rabies certificate from a licensed veterinarian and proof of spay or neuter will be required at the time the license is purchased. The dog tag issued must be attached to a collar, and a collar tag attached shall be kept on the dog for which the license is issued at all times as set forth in Wisconsin's Statutes # 174.07(1)(e).

#### **SECTION 9: ANIMAL ABUSE**

It shall be unlawful for any person to beat, cruelly ill-treat, torment or otherwise abuse an animal.

#### **SECTION 10: ADEQUATE CARE REQUIRED**

It shall be unlawful for any owner or caretaker of an animal to fail to provide it with adequate food, adequate water and adequate heating, cooling, ventilation, sanitation, shelter and medical care consistent with the normal requirements of an animal's size species and breed.

#### **SECTION 11: LIMITATION ON NUMBER OF DOGS**

It shall be unlawful to keep more than three (3) dogs in any household within the Town of Dale unless a multiple dog license or zoning variance has been approved and issued by the Town of Dale and Outagamie County. Provisions of this ordinance shall be grandfathered for those residences in violation at the time of the implementation of this ordinance.

#### **SECTION 12: WILD ANIMALS – PROVISION OF KEEPING**

It shall be unlawful to keep, maintain or have in his possession or under his control within the town, any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile with wild, vicious or dangerous propensities. Specifically it shall be unlawful for any person to keep, maintain, or have in his possession or under his control within the town, any of the following animals, reptiles or insects:

1. All poisonous animals and reptiles.

**SECTION 13: PENALTY**

Any person who shall violate any provisions of the Ordinance shall upon conviction thereof, forfeit of not less than Ten dollars (\$10.00), no more than One Hundred dollars (\$100.00) together with the costs of prosecution. A subsequent conviction will result in a forfeiture of not less than Fifty dollars (\$50.00), no more than Two Hundred dollars (\$200.00) together with costs of prosecution. Default of such forfeiture and costs of prosecution shall result in placement in the county jail until such forfeiture and costs are paid and not exceeding Thirty (30) days.

**SECTION 14: SEVERALABILITY**

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

**SECTION 15: EFFECTIVE DATE**

This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this \_\_\_ day of \_\_\_\_\_, 2019

TOWN OF DALE

By: \_\_\_\_\_

Mr. Doug Wunderlich, Chairman

By: \_\_\_\_\_

Ms. Jenny DeZeeuw, Clerk

Number Voted For: \_\_\_\_\_

Number Voted Against: \_\_\_\_\_

This Ordinance drafted by:

Attorney Erik Forsgren

Attorney for the Town of Dale

716 Wolf River Drive

P.O. Box 188

Fremont, WI 54940

920-446-3385

**TOWN OF DALE  
ORDINANCE 2:03**

**STORAGE OF JUNKED VEHICLES**

**WHEREAS**, the Town Board of the Town of Dale Outagamie County, Wisconsin ordains as follows:

**SECTION 1 STORAGE OF JUNKED VEHICLES**

**DEFINITION:** In this section, motor vehicle shall mean any vehicle requiring a license by the State of Wisconsin.

A. No disassembled, inoperable, junked, or wrecked motor vehicles shall be stored, or allowed to remain in the open upon public or private property within the Town of Dale for a period in excess of fifteen (15) days unless it is in connection with an automotive sales or repair business enterprise. Any violation of this provision is hereby declared to be a public nuisance.

B. Whenever the person designated by the Town Board as an inspector for violations of this Section shall find any such vehicles placed or stored in the open upon public property within the Town of Dale, Wisconsin, he/she shall cause such vehicles to be removed by a junk or salvage yard and stored in such junk or salvage yard for a period of thirty (30) days, at the end of which time said junk or salvage yard shall dispose of such vehicles unless previously claimed by the owner. In order to correctly claim the vehicle the owner must pay all reasonable removal and storage costs.

C. Whenever the person so designated as inspector shall find any such vehicles placed or stored in the open upon private property within the Town of Dale, the owner of such property and the owner of the vehicle, if he can be located, shall be given a ten (10) day written notice by certified mail to remove the same. If such vehicles are not removed within the time specified, the inspector shall cause a court order to be initiated for the removal of such vehicles, all costs to be borne by the owner.

D. In the event, such vehicles are claimed by the owner, the junk or salvage yard shall charge a reasonable fee to handle the storage. In the event such vehicles are not claimed within thirty (30) days after removal, the same shall be disposed of by the junk or salvage yard. Any excess over the above handling and storage shall be applied to removal cost and the balance, if any, shall be paid to the owner.

E. The provisions of this Ordinance shall not apply to auto salvage yards and/or junkyards that are duly authorized under the zoning ordinances of Outagamie County.

F. The Town Board may in its discretion by resolution appoint a person or persons to make the necessary inspections as required under this Section and such person or persons shall serve as inspector until removed by Board action.

G. Any person violating the provisions of this ordinance shall, upon conviction thereof, forfeit no less than \$50.00 no more than \$100.00, together with the cost of prosecution; and in default of payment thereof shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed (30) days. Each motor vehicle involved shall constitute a separate offense.

**SECTION 2 SEVERABILITY**

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

Adopted this 8<sup>th</sup> day of August, 2000.

**TOWN OF DALE  
ORDINANCE 2:04**

**REGULATION OF TRANSIENT MERCHANTS**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**SECTION 1 REGISTRATION REQUIRED**

It shall be unlawful for any peddler, canvasser, or transient merchant to engage in sales within the Town of Dale without being registered for that purpose as provided herein.

**SECTION 2 DEFINITIONS**

For purposes of this Ordinance, the following terms shall be defined as follows:

- A. "Peddler" includes any person, whether a resident of the Town of Dale or not, who goes from place to place within the Town of Dale offering for sale property which he/she carries with him/her, or making sales and delivering articles to purchasers. It shall not include vendors of milk, bakery products, groceries or ice, or other vendors who distribute their products to regular customers on established routes.
- B. "Canvasser" includes any person, whether a resident of the Town of Dale or not, who goes from place to place within the Town of Dale taking or attempting to take orders for future delivery of property or for services to be performed in the future, whether or not such person carries or exposes for sale a sample of such sale or whether or not he/she is collecting advance payments on such sales. It includes any person who occupies any place within the Town of Dale for the purpose of exhibiting samples and taking orders for future delivery.
- C. "Transient Merchant" includes any person who engages at a fixed location in the Town of Dale in the temporary business of selling property at such location. It does not include a person who does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. It includes any person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer, or auctioneer.
- D. "Charitable Organization" includes any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- E. "Clerk" shall mean the Town Clerk.

**SECTION 3 - EXEMPTIONS**

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

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- B. Any person selling merchandise at wholesale to dealers in such merchandise;
- C. Any person selling agricultural products which the person has grown;
- D. Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- E. Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;
- F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- H. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under sec. 440.41, Stats. Any charitable organization engaging in the sale of merchandise and not registered under sec. 440.41, Stats., or which is exempt from that statute's registration requirements, shall be required to register under this ordinance;

- J. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased for at least one year, or purchased, the premises from which he/she has conducted business in the market area for at least six months prior to the date the complaint was made;
- K. Any individual licensed by an examining board as defined in s. 15.01(7), Wisconsin Statutes.
- L. This ordinance does not apply to transient merchants while doing business at special events authorized by the Town Board.

#### **SECTION 4 – REGISTRATION**

- A. Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:
  1. Name, permanent address and telephone number, and temporary address
  2. Age, height, weight, color of hair and eyes:
  3. Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold:
  4. Temporary address and telephone number from which business will be conducted, if any:
  5. Nature of business to be conducted and a brief description of the merchandise services offered;
  6. Proposed methods of delivery of merchandise, if applicable;
  7. Make, model and license number of any vehicle to be used by applicant in his/her business;
  8. Most recent cities, villages, towns, not to exceed three, where applicant conducted his/her business;
  9. Place where applicant can be contacted for at least seven days after leaving this town:
  10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.
- B. Applicants shall present to the Clerk for examination:
  1. A driver's license or some other proof of identity as may be reasonably required;
  2. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
  3. A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application license is made.
- C. At the time the registration is returned, a fee of \$5.00 shall be paid to the Clerk to cover the cost of processing said registration. Processing of the registration will take a minimum of 14 days from the date the aforementioned fee is paid.

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

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

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

## **SECTION 5 REGULATION OF PEDDLERS, CANVASSERS, AND TRANSIENT MERCHANTS**

### **A. PROHIBITED PRACTICES**

1. A peddler, canvasser, and/or transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 P.M. and 9:00 A.M. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
2. A peddler, canvasser, and/or transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents.
3. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
4. No peddler, canvasser, or transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
5. No peddler, canvasser, or transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being heard outside a one-hundred foot radius of the source.
6. No peddler, canvasser, or transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

### **B. DISCLOSURE REQUIREMENTS**

1. After the initial greeting and before any other statement is made to a prospective customer, a peddler, canvasser, and/or transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
2. If any sale of merchandise is made by a peddler, canvasser, or transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in sec. 423.203, Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notices shall conform to the requirements of secs. 423.203(1)(a)(b) and (c), (2) and (3), Stats.
3. If a peddler, canvasser, or transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof,

## **SECTION 6 - PENALTY**

Any person adjudged in violation of any provision of this Ordinance shall forfeit not less than \$10.00 nor more than \$1,000.00 for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

## **SECTION 7. - SEVERABILITY**

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

**TOWN OF DALE  
REGISTRATION FOR TRANSIENT MERCHANTS**

1. \_\_\_\_\_  
Last First Middle

2. \_\_\_\_\_  
Permanent address City State Zip Phone #

3. Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

4. Employed by \_\_\_\_\_

5. Name of Supervisor or contact person \_\_\_\_\_

6. \_\_\_\_\_  
Address City State Zip Phone #

7. Description of merchandise and/or services offered \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Proposed methods of delivery of merchandise \_\_\_\_\_  
\_\_\_\_\_

9. Vehicle Make \_\_\_\_\_ Model \_\_\_\_\_ License # \_\_\_\_\_

10. List most recent cities, villages, towns, and State not to exceed three where applicant has conducted business.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

11. Where applicant can be contacted at least seven days after leaving Town.

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Phone # \_\_\_\_\_

12. Has Applicant been convicted of any crime or ordinance violation related to transient merchants business within the Last five years Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain nature of the offense and the place of conviction \_\_\_\_\_

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Must present driver's license or some other proof of identity.

If weights or measures are required in applicant's business, a state certificate of examination and approval from the sealer of weights and measures must be presented.

A state health officer's certificate if applicant's business involves the handling of food or clothing. Certificate must state that the applicant is apparently free from any contagious or infectious disease dated not more than 90 days prior to the date of this application must be presented.

A \$5.00 processing fee is required upon registration.

I \_\_\_\_\_ have read the Town of Dale Ordinance 2.04  
Regulation of Transient Merchants and agree to all regulations stated in the Ordinance.

Signed \_\_\_\_\_ Date \_\_\_\_\_

**TOWN OF DALE  
ORDINANCE 2:05**

**REGULATION OF PUBLIC ENTERTAINMENT**

**AN ORDINANCE PROHIBITING CERTAIN TYPES OF CONDUCT WITHIN THE LIMITS OF THE TOWN OF DALE OUTAGAMIE COUNTY, WISCONSIN.**

**WHEREAS**, the Town Board has determined that the activities defined and prohibited hereinafter are detrimental to the public health, safety, morals and general welfare, and

**WHEREAS**, the Town Board finds that certain forms of public nudity whether or not presented in conjunction with the sale of alcoholic beverages, promote prostitution, other illegal activities, and degrade the quality of the Town's residential and business environment, and

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

**NOW THEREFORE**, the Town Board of the Town of Dale Outagamie County, Wisconsin ordains as follows:

**SECTION 1 - TYPES OF CONDUCT PROHIBITED**

The following types of conduct on premises which are licensed to sell intoxicating liquors and/or fermented malt beverages are prohibited:

**A. SPECIFIED SEXUAL ACTIVITIES**

1. Display of human genitals in a state of sexual stimulation or arousal.
2. Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breast.
4. Excretory functions as part of or in connection with any activities set forth in (1) through (3) above.

**B. SEXUAL CONTACT**

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

**C. SIMULATION**

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

**D. CERTAIN PERFORMANCES AND COSTUMES PROHIBITED:**

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

1. That portion of every costume to be worn by dancers, performers or entertainers covered by the provisions of this subsection and which relates to the area of the sex organs herein defined as the pubic area and buttocks shall be of nontransparent material.
2. The lower portion of the costume to be worn by a female dancer, performer or entertainer, or female impersonator, shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic area, and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this ordinance.

3. The lower portion of the costume worn by a male dancer, performer, or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic area, sex organs and the cleavage of the buttocks at all times. The display of the male genitals in the turgid state, whether covered or uncovered, shall constitute a violation of this ordinance.

## **SECTION 2 - DISORDERLY CONDUCT BY PATRONS PROHIBITED**

No license of a business where dancing occurs, be it personally or through his agent or employee, or person sponsoring such dances, shall permit any patron to participate in any act, stunt or dance in violation of the provisions of this section.

## **SECTION 3 - FURTHER PHYSICAL CONDUCT PROHIBITED**

Entertainers may not have physical contact with customers during their act, nor shall they entice customers into joining into same.

## **SECTION 4 - DEFINITION OF PUBLIC ENTERTAINMENT**

“Public Entertainment” is defined as an adult establishment, designed for adult entertainment, and is specifically defined to include book stores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, and cabarets, and are more specifically defined as follows:

1. Adult bookstore. An establishment having as a substantial or significant portion of its stock and trade in books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or specified anatomical areas” as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
2. Adult motion picture theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons.
3. Adult motion picture theater. (Outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishable characterized by an emphasis on matter depicting, describing or relating to “specified sexual activity” or “specified anatomical areas”.
4. Adult mini motion picture theater. An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined here for observation by patrons there in.
5. Adult bath houses. An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operation by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.
6. Adult massage parlors. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in “specified sexual activity” as defined in this ordinance.
7. Adult modeling studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photograph, painting, sketching, drawing, or otherwise.
8. Adult body painting studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body-painting studio shall not be deemed to include a tattoo parlor.
9. Adult Cabaret. An establishment or business which features male and /or female topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.
10. Adult novelty shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or simulating such activity.

## **SECTION 5 – PUBLIC ADULT ENTERTAINMENT – APPLICATION**

Prior to the operation of any of the entertainment businesses defined in Section 4, above, the proposed owner/operator of such business must submit written application to the Town Board of Supervisors for a permit to engage in such business only in an area zoned for commercial use. A nominal filing fee may accompany such application, to be inputted at the discretion of the Town Board of Supervisors. Included in such application for an adult entertainment permit shall be a specific description of the type of business to be operated, the proposed services or products to be disseminated, as well as a specific description of the physical plant in which any such business is proposed to be operated. In approving any such application, the following standards shall be specifically applied by the Town Board of Supervisors.

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

## **SECTION 6 – REGISTRATION OF EMPLOYEES**

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

## **SECTION 7 WHO MAY BE IN VIOLATION OF THE ORDINANCE**

The prohibitions contained in this ordinance are directed and prosecution may be directed against a licensee of a premise where alcoholic beverages are served, any agent, employee or manager, the entertainer, his or her agent or employer, or patrons.

## **SECTION 8**

Any person, partnership, or corporation violating this ordinance shall be fined \$500.00 for each occurrence plus court costs.

**TOWN OF DALE  
ORDINANCE 2:06**

**REGULATION OF STOP SIGNS**

**WHEREAS** it is in the public interest and public safety for motorists to stop at various intersections which are marked by an official stop sign,

**NOW THEREFORE.** The Town of Dale, Board of Supervisors of Outagamie County, ordains as follow:

**SECTION 1**

All motor vehicles shall stop at the following intersections:

Autumnwood Ct and County M  
Baler Road and County T  
Baler Road and Winchester Rd  
Majestic View and Midway Rd  
Black Otter Court and County M (2)  
Carrie Court and Cedar Rd  
Cedar Road and Depot Rd  
Chantelly and School Rd  
Cloverleaf and Shakey Lake  
Cloverleaf and Midway Rd  
Cloverleaf Road and County T (east and west)  
Coon Road and County M  
Country Cove Lane and Midway Rd  
Dale Ave. and State Rd 96  
Dale Ave and Degal Street  
Degal Street and County T  
Depot Road and State Rd 96  
Erdine Lane and County T (2)  
Fall Court and Spring Rd  
Forest Ridge and County M  
Garvey Road and Midway Rd  
Green Apple Way and Great Oak Lane  
Green Apple Way and Forest Ridge Drive  
Greendale and School Road  
Greendale and State Rd 96  
Hackett and County M  
Hemlock Road and Winchester Road (south)  
High Street and County T  
High Street and Whitney Street (east and west)  
Hunters Road and County M (east and west)  
Industrial Drive and State Rd 96  
Kaufman Street and County T  
Kaufman Street and Whitney Street  
Lauden Lane and School Road  
Lonely Road and County T  
Lonely Road and Midway Rd  
Lucy Lane and Oakwood Drive  
Madeline Lane and County M  
Madeline Lane and Marianne Way  
Majestic View Lane and Cloverleaf Rd

Manu Rd and Hwy 45  
Maple Lane and State Rd 96  
Meadowview Street and Whitney Street  
Meadowview Street and County T  
Midway and State Rd 96  
Mountain View and Whitney Street  
Oakwood Drive and Midway Road  
Penny Lane and Steinacker Heights  
Pine Grove and School Road  
Pine Grove and State Rd 96  
Poker Flats Ct and Industrial Drive  
Quiet Lane and Greendale Road  
R & D Road and County M  
Rabbit Road and State Rd 96  
Ridge Road and Winchester Road  
School Road and County T (east and west)  
School Road and County M (east)  
School Road and County M (west)  
School Road and Highway 45  
School Road and Midway Rd ( east and west)  
School Road and Shakey Lake (east and west)  
Shakey Lake and Highway 45  
Shakey Lake and School Road (north and south)  
Shakey Lake and State Rd 96 (east and west)  
Short Road and Lonely Road  
Spring Road and County M (east and west)  
Steffen Lane and County M  
Steinacker Heights and School Road  
Stone Crest and County T  
Town Line and Madeline Road  
Twin Oak Court and Spring Rd  
Wheeler Rd and Depot St.  
Whitney Street and State Rd 96  
Winchester Road and Cedar Road (south and north)  
Winchester Road and Cloverleaf Road  
Winchester Road and State Rd 96  
Winter Court and Spring Rd  
Canadian National Railroad Crossing and Depot St.(north and south)  
Canadian National Railroad Crossing and Hunters Rd (East and West)  
Canadian National Railroad and Pine Grove Rd. (North and south)  
Canadian National Railroad and School Road (east and west)  
Canadian National Railroad and Shakey Lake Road (north and south)

Violations: Offenders will be fined \$25.00 plus court costs.

### **SECTION 2 NONEXCLUSIVITY (OTHER ORDINANCE)**

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

### **SECTION 3 SEVERABILITY**

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

**TOWN OF DALE  
ORDINANCE 2:08**

**SNOWMOBILE USE ON TOWN ROADS**

**WHEREAS**, the State of Wisconsin has proposed that towns adopt an ordinance for enactment, said model ordinance providing that the use of snowmobiles upon certain town roads as being a permissible use of said roads:

**WHEREAS**, the Town Board of Supervisors has heard and received input from local snowmobile enthusiasts who support the content of this model ordinance; and,

**WHEREAS**, the Town Board of Supervisors does find that the enactment of such a model ordinance would be in the best interest of the general public and residents of the Town of Dale.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Board of Supervisors, Town of Dale, Outagamie County, Wisconsin, as follows:

1. The model ordinance promulgated by the State of Wisconsin with respect to the use of snowmobiles upon town roads is hereby approved in its entirety, but for one (1) exception noted below.
2. This snowmobile use ordinance shall hereafter be identified as Town of Dale ordinance number 2.08
3. The exception to the complete approval of the state ordinance is that the Town Board of Supervisors specifically exclude State Rd 96 from legal use by snowmobiles. This is based upon concern of the Town Board of Supervisors as to the general welfare of motor vehicles using State Rd 96, as well as those individuals operating snowmobiles along said roadway.
4. This ordinance of the Town of Dale shall be in full force and effect from and after its passage and publication.
5. In the event that a court of competent jurisdiction determines any provisions of the ordinance to be unconstitutional, or its application to any individual to be unconstitutional, said portion of this ordinance so determined shall be removed from said ordinance without further effect upon the remaining terms and provisions of the ordinance which have not been the subject of any constitutional challenge.

**TOWN OF DALE  
ORDINANCE 2:09**

**PARKING FOR SNOW REMOVAL**

**WHEREAS**, the Town of Dale Outagamie County, Wisconsin contracts with various municipal and private snow removal companies for the removal of snow from roads and highways, and

**WHEREAS**, the removal of snow by these companies is necessary for safety purposes, and

**WHEREAS**, it is necessary that these companies have unrestricted access to all roads and highways for snow removal:

**Now, therefore**, the Town Board of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**SECTION 1 PARKING RESTRICTION:**

During a snow emergency, all parking shall be prohibited upon any road or highway within the Town of Dale.

**SECTION 2 SNOW EMERGENCY:**

A snow emergency shall exist any time when more than one inch (1") of snow shall accumulate within a twenty-four (24) hour period. Any determination of the amount of accumulated snow shall be made by the Constable and the Town Chairman. The snow emergency shall end twenty-four (24) hours after the last accumulation of snow, or by declaration of the Town Chairman.

**SECTION 3 VEHICLE REMOVAL:**

Any vehicle found to be in violation of this snow emergency parking prohibition may be towed at the owner's expense at the direction of the Town Chairman.

**SECTION 4 UNRESTRICTED PARKING**

Where snow has been removed to the curb or to the edge of the shoulder along the roadway, these emergency-parking restrictions shall not apply.

**SECTION 5 PENALTY**

In addition to the cost of towing the vehicle, any person found in violation of this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$50.00 for each offense, plus court costs. Each vehicle parked in violation of this ordinance shall constitute a separate violation.

**SECTION 6 SEVERABILITY**

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

**TOWN OF DALE  
AMENDED ORDINANCE 2:07**

**SPEED LIMITS**

**WHEREAS**, the Town of Dale Outagamie County, Wisconsin desires to protect the public safety and welfare by designating certain speed limits within the Town: and

**WHEREAS**, increasing residential and commercial development in the Town makes traffic safety more important; and

**WHEREAS**, the Town has this authority pursuant to Wisconsin Statutes;

**Now, therefore**, the Town Board of the Town of Dale Outagamie County, Wisconsin ordains as follows:

Under the authority granted by Sec. 349.11, WI Stats., the speed limits on the following streets of the Town shall be as follows:

**A. TWENTY-FIVE (25 MPH) MILES PER HOUR:**

Autumn Wood Court  
Blues Lane  
Breyer Court  
Big Ridge Road  
Black Otter Court  
Carrie Court  
Chantilly Lane  
Country Cove Lane  
County Crest Circle  
Dale Avenue  
Degal Avenue  
Depot Street, 200 yards south of intersection with Wheeler Road to intersection of .State Rd 96  
Erdine Lane  
Erwin Court  
Fall Court  
Forest Ridge Drive  
Garvey Road  
Great Oaks Lane  
Green Apple Way  
Greendale Road, Spring Road to Hickory Court  
Hackett Lane  
Hickory Court  
High Street  
Hunter Road West of Railroad Track in Alzena Subdivision  
Industrial Drive  
Kaufman Street  
Kelldale Court  
Lamise Way  
Laudon Lane  
Ledgeview Lane  
Lucy Lane  
Madeline Lane  
Majestic View Lane  
Manu Road  
Maple Street

Maple Grove Road  
Marianne Way  
Meadowview Street  
Oakwood Terrace  
Penny Lane  
Poker Flats  
Quiet Lane  
Roena Lane  
Ruppel Court  
Steffen Lane  
Steinacker Heights Lane  
Stone Crest Drive  
Sweet Maple Trail  
Teal Trail  
Twin Oak Court  
Wesley Court  
Wheeler Road  
Whitney Street  
Windy Meadows Lane  
Winter Court

**B. THIRTY-FIVE (35 MPH) MILES PER HOUR:**

Coon Road  
Hemlock Road  
Pine Grove Road  
Ridge Road  
School Road County Road M to Midway Road  
Winchester Road, from the intersection of Baler Road to the North Town Boundary

**C. FORTY-FIVE (45 MPH) MILES PER HOUR:**

Baler Road, Winchester Road to County Road T  
Cedar Road  
Cloverleaf Road  
Depot Road, from Wheeler Road south  
Hunters Road, east from the railroad tracks in Alzena Subdivision  
Lonely Road  
Midway Road, from the town line south to Hwy 96  
Rabbit Road  
School Road, from County Road M east to the town line  
School Road, from Midway Road west to Hwy 45  
Shaky Lake Road  
Short Road  
Spring Road, from Midway Road to Greendale Road  
Winchester Road, from Baler Road to Cloverleaf Road  
Winchester Road, from Hwy 96 south to the town line

Unless otherwise designated, the specified speed limit shall apply to the entire length of the highway.

**D. ENFORCEMENT:**

This ordinance shall be enforced according to Wis. Stats. Sections 345.20 to 345.53. For violations, offenders will be fined according to the applicable state and county bond schedules.

**E. NONEXCLUSIVITY (OTHER ORDINANCE)**

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

**F. SEVERABILITY**

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

**G. EFFECTIVE DATE**

This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this 14<sup>th</sup> day of November, 2016.

**THIS ORDINANCE AMENDS PREVIOUS ORDINANCE 2:07**

\_\_\_\_\_  
Town of Dale Chairman

\_\_\_\_\_  
Town of Dale Clerk

Voted For \_\_\_\_\_

Voted Against \_\_\_\_\_



**TOWN OF DALE  
ORDINANCE 2:10**

**DESTRUCTION OF TOWN PROPERTY**

**WHEREAS**, the Town of Dale owns property throughout the township, including the municipal building and firehall, three public parks with recreational facilities, and

**WHEREAS**, the Town relies on these properties for the provision of services to the people of Dale, and

**WHEREAS**, repair and/or replacement of any of these properties could incur significant unbudgeted costs to the Town;

**Now, therefore**, the Town Board of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**A. DESTRUCTION OF PROPERTY:** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or interfere with the function of any property of any kind or nature belonging to the Town or its departments or to any private person without the consent of the owners or proper authority.

**B. PARK PROPERTY:** Nothing in this ordinance shall supersede or preempt any provision contained within Town of Dale Ordinance 4.00 Section 2(A). Any person found violating this ordinance or Ordinance 4.00 Section 2(A) may be fined under either ordinance, but not both. The discretion for determining which ordinance shall be applied is given to the Town Constable or other enforcing officer.

**C. PENALTY:** Any person found in violation of this ordinance shall be required to reimburse the Town of Dale for any damage caused. In addition to the cost of replacing or repairing said damaged property, any person found in violation of this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 for each offense, plus court costs.

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

**TOWN OF DALE  
ORDINANCE 2.11**

**REGULATION OF SCHOOL BUS FLASHING LIGHTS WITHIN AREAS SERVED BY  
SIDEWALK ON BOTH SIDES**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**FINDINGS:** The Town of Dale Outagamie County, Wisconsin has an overriding and ongoing interest in protecting the health and safety of the children who reside within the town. Furthermore, the town has at least two streets that are serviced by sidewalks on both sides, which experience significant traffic during the periods in which children use school buses. Such areas are inherently dangerous due to the volume of traffic at such time. Therefore, it is necessary to provide for additional safety precautions to protect the children utilizing the school buses with the town.

**ORDINANCE:** Therefore, the Town Board of Dale Outagamie County, Wisconsin does hereby order that pursuant to the authority granted by Wisconsin Statutes 346.48 and 349.21, all school buses shall use the flashing red warning lights in all residential or business districts when pupils or other authorized passengers are to be loaded or unloaded where a sidewalk and curb are laid on both sides of the road and where the persons using the school bus must cross the street or highway before being loaded or after being unloaded, provided no traffic signals exist at such location.

**TOWN OF DALE  
ORDINANCE 2:12**

**PARKING REGULATIONS**

WHEREAS, the Town Board of Dale Outagamie County, Wisconsin ordains as follows:

**SECTION 1 PARKING PROHIBITED**

Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or in discharging passengers of property, and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall, at any time, park or leave standing any vehicle, upon any of the following highways, or parts of highways during the restricted times.

**SECTION 2 NO PARKING AT ANY TIME**

DEPOT ROAD - On the East and West side starting immediately South of the Canadian National Railroad tracks and proceeding South to Wheeler Road.

WHITNEY STREET – On the East and West side starting immediately North of State Rd 96 and proceeding to High Street.

COON ROAD – On the North and South side from County M to West end.

**SECTION 3 PARKING VIOLATIONS**

Any person who violates this section, shall pay to the Town of Dale Town Clerk a forfeiture of Five Dollars (\$5), if paid within ten (10) days of the date of violation. An additional Ten Dollars (\$10) penalty shall be assessed for violations not paid within fifteen (15) days. Failure to pay the forfeiture within 28 days of the issuance of said ticket, will result in an additional assessment and will result in the suspension of vehicle registration.

**SECTION 4 ENFORCEMENT**

This Ordinance shall be enforced according to Wisconsin Statutes.

**SECTION 5 EFFECTIVE DATE**

This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this 10<sup>th</sup> day of November, 2014.

**THIS ORDINANCE AMENDS PREVIOUS ORDINANCE 2:12**

\_\_\_\_\_  
Town of Dale Chairman

\_\_\_\_\_  
Town of Dale Clerk

**TOWN OF DALE  
ORDINANCE: 2:13**

**AN ORDINANCE FOR OUTDOOR WOOD BURNING FURNACE**

Section 1: OUTDOOR WOOD FURNANCES

1. **Outdoor wood furnaces.**

An outdoor wood furnace may be used in the Town of Dale only in accordance with the following provisions:

- 1.1 The outdoor wood furnace shall not be used to burn any of the prohibited materials listed in Section 2 of this ordinance.
- 1.2 The outdoor wood furnace must be located at least 200 feet from all property lines.
- 1.3 The outdoor furnace shall have a chimney that extends at least 15 feet above the ground surface. All existing outdoor wood furnaces located in the Town of Dale shall come into compliance with this provision of the ordinance within sixty (60) days of the passage of this ordinance or be subject to the penalties provided for herein.
- 1.4 The outdoor furnace shall not operate from Memorial Day to Labor Day.
- 1.5 Building Permit is required with a fee of \$100.00.

SECTION 2: MATERIALS THAT MAY NOT BE BURNED

2. **Materials that may not be burned.**

- 2.1 Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove, or any other indoor or outdoor incinerator or heating device. The Town of Dale will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval from the Department of Natural Resources.
- 2.2 Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite, shingles, construction or demolition debris or other household or business wastes.
- 2.3 Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- 2.4 Asphalt and products containing asphalt.
- 2.5 Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- 2.6 Any plastic material including but not limited to nylon, PVC, ABS polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 2.7 Rubber including tires and synthetic rubber-like products.
- 2.8 Newspaper, corrugated cardboard, office paper and other materials that must be recycled in accordance with the recycling ordinance.

### SECTION 3 BUILDING PERMIT

- 3.1 No person shall start or maintain any outdoor wood furnace without a building permit issued by the building inspector.
- 3.2 Any violation of the conditions of a building permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the building permit shall void the permit.

### SECTION 4: LIBABILITY

**4. Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

### SECTION 5: RIGHT OF ENTRY AND INSPECTION

**5. Right of entry and inspection.** Any authorized officer, agent employee or representative of the Town of Dale who presents credentials may inspect any property for the purposes of ascertaining compliance with the provisions of this ordinance.

### SECTION 6: ENFORCEMENT AND PENALTIES

#### 6. Enforcement and penalties

- 6.1 The Building Inspector or the Fire Chief is authorized to enforce the provisions of this ordinance.
- 6.2 The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than twenty-five dollars (\$25.00) or more than two hundred fifty dollars (\$250.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offences. Furthermore, each violation and each day of violation shall constitute a separate offense and be subject to the penalties herein.

SECTION 7: This ordinance shall become effective upon passage and publication as required by law.

Town of Dale  
By: Doug Wunderlich Chairman  
By: Marcia A. Kelly Clerk

Number voted for 3  
Number voted against 0

Adopted September 13, 2010  
Posted September 24, 2010

This ordinance drafted by:  
Attorney Erik R. Forsgren  
Attorney for the Town of Dale  
716 Wolf River Drive  
P.O. Box 188  
Fremont, WI 54940  
920-446-3385

**TOWN OF DALE  
ORDINANCE 2:14**

**LOUD AND UNNECESSARY NOISE**

**SECTION 1: GENERAL**

No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, park, or any private residence.

**SECTION 2: CONSTRUCTION AND MACHINERY NOISE**

Except for Town employees, between the hours of 10:00p.m. and 6:00a.m., no person shall do construction work or operate any chain saw, lawn mower, or any other loud machinery of a similar nature.

**SECTION 3: SEVERABILITY**

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

**SECTION 4: EFFECTIVE DATE**

This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this 11th day of March, 2019

TOWN OF DALE

By: \_\_\_\_\_

Mr. Doug Wunderlich, Chairman

By: \_\_\_\_\_

Ms. Jenny DeZeeuw, Clerk

Number Voted For: 3

Number Voted Against: 0

This Ordinance drafted by:

Attorney Erik Forsgren

Attorney for the Town of Dale

716 Wolf River Drive

P.O. Box 188

Fremont, WI 54940

920-446-3385

# **TOWN OF DALE**

## **ORDINANCE 2:15**

### **ALL –TERRAIN/UTILITY TERRAIN VEHICLES & ROUTES, TOWN OF DALE, OUTAGAMIE COUNTY, WISCONSIN**

The Town of Dale, Outagamie County, Wisconsin ordains as follows:

#### **SECTION 1: INTENT**

The Town of Dale, Outagamie County, Wisconsin hereby adopts the following All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) upon roadways listed in Section 3. In due consideration of recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and automobile traffic volume, this route (S) has been created.

#### **SECTION 2: STATUTORY AUTHORITY:**

This route (S) is created pursuant to township authority as authorized by 23.33(8)(b) Wis. Stats. The applicable provisions of 23.33 Regulating ATV/UTV operations pursuant to routes and trails are adopted.

#### **SECTION 3: ROUTES AND TRAILS:**

- A. The Town of Dale reserves the right to close or modify routes and trails at any time. Any restrictions of trails and routes shall be designated by a motion and by majority of the Town of Dale Town Board and shall be marked accordingly.
- B. The Town of Dale or its designee shall maintain all routes and trails signs within the Township.
- C. All ATV/UTV routes and trails shall be signed in accordance with NR64.12(7)(c).
- D. All township roads, sidewalks, alleyways and transportation marked corridors within the Town of Dale are hereby designated as ATV/UTV routes. Authorized private land subject to public easement or leases are designated trails. All county roadways located in the Town of Dale are hereby declared ATV/UTV routes if authorized by the County of Outagamie.
- E. The Town of Dale shall maintain a route and trail map.

#### **SECTION 4: CONDITIONS**

- A. All ATV/UTV operators on routes shall observe posted roadway speed limits; not to exceed 35 MPH.
- B. All ATV/UTV operators shall ride single file.
- C. ATV/UTV operators shall observe all laws of the State of Wisconsin pertaining to the use and operation of an ATV/UTV.

#### **SECTION 5: ENFORCEMENT:**

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws in the State of Wisconsin.

#### **SECTION 6: PENALTIES**

Wisconsin State ATV/UTV Penalties are found in Section 23.33(13)(a) Wis. Stats. or any amendments thereto are adopted by reference.

#### **SECTION 7: SEVERABILITY:**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Dale would have passed the other provisions of this ordinance irrespective of whether or not one or more provision may be declared invalid. If any provision of this ordinance or the application to any

such person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be effected.

**SECTION 8 EFFECTIVE DATE:**

This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this   9th   day of   September  , 2019

TOWN OF DALE

By: \_\_\_\_\_  
Mr. Doug Wunderlich, Chairman

By: \_\_\_\_\_  
Ms. Jenny DeZeeuw, Clerk

Number Voted For:   3  

Number Voted Against:   0  

This Ordinance drafted by:  
Attorney Erik Forsgren  
Attorney for the Town of Dale  
716 Wolf River Drive  
P.O. Box 188  
Fremont, WI 54940  
920-446-3385

**TOWN OF DALE  
ORDINANCE 3:00**

**RULES OF THE DALE SANITARY DISTRICT**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

The owner of each parcel of presently occupied land serviceable to said sewer system shall be hooked up thereto on or before January 1, 1974. Due to the late completion of the collection system this rule has been amended to read as follows: all service laterals which are laid into the basements of property owners shall be connected to their present septic system by April 1, 1974. The usage charge will be levied against the property from April 1, 1974. All service laterals which are not laid into the basements by January 1, 1974, or connected to the present sewer system must be connected by June 1, 1974. The usage charge will be levied against the property on June 1, 1974.

Every person connecting with the sewer system is required to get a sewer application from the district secretary before they can connect on to the sewer lateral.

All consumers shall keep their own service pipes in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary waste of water and overburdening the sewer system.

No user shall allow others or other services to connect to the sewer system through his lateral.

Every user shall permit the Commission or duly authorized agent at all reasonable hours of the day to enter the premises or building to examine the pipes and fixtures and manner in which the drains and sewer connection operate.

It is expressly stipulated that no claims shall be made against said Sanitary District or Commissioners by reason of clogging, breaking, stoppage, or freezing of any service pipes.

No person except those having special permission from the Commissioners or person in their service will be permitted under any circumstance to tap the collection mains.

Sewer service rates—Rates to be determined by the Town of Dale Sanitary Commission. Rates are subject to change and are available upon request.

Bills for sewer services are rendered quarterly and become due and payable on the first day of the month following the period for which service is rendered. A penalty of 5% will be added to all bills not paid within fifteen days from date of bill.

A unit of service shall consist of any residential or small commercial aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, or office which is equipped with one or more fixtures for rendering sewer service separate and distinct from other users. Each unit of service shall be regarded as one consumer and the charge for additional consumer will be assessed accordingly.

When a consumer's premises has several buildings each supplied with service, the full service charge will be billed for each service separately.

**TOWN OF DALE  
ORDINANCE 3:01**

**CABLEVISION FRANCHISE**

**WHEREAS**, the Town Board of the Town of Dale, Outagamie County, Wisconsin, does hereby create the following ordinance granting unto American Television and Communications Corporation, a cable television franchise, upon the terms and conditions herein set forth.

- A. Grant of Franchise** -- This ordinance grants to American Television and Communications Corporation (“ATC”), with offices at 1620 S Lawe Street, Appleton, WI 54915, a nonexclusive franchise to install, maintain, and operate a cable television system for the distribution of television signals, frequency modulated radio signals, closed circuit television programs, data transmissions, and any and all additional services which are now or may be commonly associated with the cable television industry in the future. The term of this grant is for fifteen (15) years.
- B. Definitions** -- The following words and phrases, whenever used in this chapter, shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such word or phrase:
1. “Additional service” -- Any subscriber service provided by the grantee for which a special charge is made in addition to the regular monthly charge paid by all subscribers.
  2. “Basic Subscriber Service” -- subscriber services provided by the grantee, including the delivery of broadcast signals and programming originated over the cable system, covered by the regular monthly charge paid by all subscribers.
  3. “Board” -- The duly elected Town Board of the Town of Dale or other future governing body of said entity.
  4. “Cable System” -- A system of antennas and other receiving equipment, cables, wires, lines, towers, waveguides, laser beams, or any other conductors, converters, equipment, or facilities, designed or constructed for the purpose of producing, receiving, amplifying, and distributing by audio, video, and other forms of electronic or electrical signals to and/or from locations in and outside the Town of Dale.
  5. “Full Network Service” -- All “basic services” and “additional services” offered by the grantee.
  6. “Grantee” -- ATC, doing business as Cablevision of the Fox Cities.
  7. “Subscriber” -- A purchaser of any service delivered by grantee pursuant to this franchise, and “subscriber” shall also include all persons who are not required to pay any fee, but receive any service delivered by grantee pursuant to this franchise.
  8. “Substantially Completed” -- Construction will be considered substantially completed when sufficient distribution facilities have been installed so as to permit the offering of “basic subscriber service” to at least eighty percent (80%) of the dwelling units in each of the service areas.
- C. Franchise Expiration and Cancellation** -- The initial service area to be covered by the franchise is as per Exhibit A.
- D. Technical Standards** -- Grantee shall maintain a cable television system at all times in compliance with the Federal Communications Commission Technological Standards and shall file all necessary reports as required by the Rules of the Federal Communications Commission.
- E. Grantee’s Use of Town Rights** -- Upon acceptance of this franchise, grantee is hereby granted the right to erect, maintain, and operate a cable system in the highways, streets, alleys, and utility easements of the Town of Dale and other public places. The poles used for such distribution shall be those erected or used by the local utilities. The grantee may erect its own poles where necessary after first obtaining permission from the Town Board.
- F. Method of Installation**

1. All installations made by the grantee shall be made in good, substantial, safe condition and maintained in such condition at all times and shall be made in accordance with all applicable rules and regulations, including the rules and regulations of the utility company owning any poles utilized by the grantee. The grantee shall make no excavations in the streets, alleys, and public places without first procuring a written permit from the Town Engineer or other authorized representative of the Town, and all work of such kind shall be done so as to meet the approval of the Town Engineer or other person authorized by the Town to approve such work.
2. The grantee's transmission and distribution system poles, wires, and appurtenances shall be located, erected, and maintained so as not to interfere with the lives or safety of persons, or to interfere with improvements the Town may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, or other public property.
3. Grantee shall restore all areas of construction and/or excavation to the condition existing prior to the beginning of construction and/or excavation.

**G. Authority to Trim Trees** – The grantee shall have the authority to trim trees upon any overhanging streets, alleys, sidewalks, and other public places of the Town so as to prevent the branches of such trees from coming in contact with the wires and cables of the company.

**H. Indemnity**

1. The grantee shall indemnify, defend, and save the Town and its agents and employees harmless from all claims, damages, losses, and expenses, including attorney's fees, sustained by the Town on account of any suit, judgment execution, claim, or demand whatsoever arising out of the installation, operation, maintenance, repair, use, or removal of the cable system, except for such claims, damages, losses, and expenses, including attorney's fees, which are attributable in part or in whole to acts of the Town or its agents.
2. The grantee shall maintain throughout the term of the franchise a general comprehensive liability insurance policy naming as an additional insured the Town, its officers, boards, commissions, agents, and employees, protecting the Town and its agencies and employees against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of grantee under the franchise granted hereunder, in the amounts of Five Hundred Thousand Dollars (\$500,000.00) for bodily injury or death to any one person, and One Million Dollars (\$1,000,000.00) for bodily injury or death resulting from any one accident, and One Hundred Thousand Dollars, (\$100,000.00) for property damage resulting from any one accident.
3. The insurance policy shall contain an endorsement stating that the policy is extended to cover the liability assumed by the grantee under the terms of this ordinance and shall further contain the following endorsement: It is hereby understood and agreed that this policy may not be cancelled nor the amount of coverage thereof reduced until thirty (30) days after receipt by the Town Clerk by registered mail of a written notice of such intent to cancel or reduce the coverage.

**I. Services Provided** – The grantee shall provide the maximum amount of services as are economically feasible to provide taking into consideration all costs of operation and the density of the cable television system as it relates to number of subscribers. Pursuant to the Federal Cable Communications Policy Act of 1984, the Town shall exercise no censorship or control over programming services and/or content thereof.

**J. Subscriber Privacy** – No monitoring of any terminal connected to the system shall take place without specific written authorization by the user of the terminal in question.

**K. Unauthorized Connections or Modifications**

1. It shall be unlawful for any firm, person, group, company, corporation, or governmental body or agency, without the expressed written consent of the grantee, to make or possess any connection, extension, or diversion, whether physically, acoustically, inductively, electronically, or otherwise, with or to any segment of the cable system for any purpose whatsoever.

2. It shall be unlawful for any firm, person, group, company, corporation, or government body or agency to willfully interfere, tamper, remove, obstruct, or damage any part, segment, or content of the cable system for any purpose whatsoever.
3. Any person violating this section shall be subject to a forfeiture of up to Five Hundred Dollars (\$500.00) per occurrence and may be required to pay for any damages resulting from said violation. Each continuing day of the violation shall be considered a separate occurrence.

**L. Franchise Revocation and Expiration**

1. The Town may, subject to the procedure in Paragraph 2 below, revoke any franchise granted hereunder and rescind all rights and privileges associated therewith in the event of a material or substantial breach of any term or condition of this ordinance.
2. In the event the Town Board determines it is in the public interest to terminate the cable television franchise, the Town Board shall give the grantee sixty (60) days written notice of its intention to terminate and stipulate the cause. If during the sixty (60) days period, the cause shall be cured, the notice and right to terminate shall be null and void. The grantee shall, in any event, be given an opportunity to be heard before the Town Board regarding termination, and the grantee shall be afforded all due process rights regarding termination. In the event of termination, the Town Board shall provide a written summary of its reasons for termination, and said division shall be subject to judicial review.
3. The expiration of this franchise shall be governed by the terms and provisions of the Cable Communications Policy Act of 1984.

**M. Severability** – Should any word, phrase, clause, sentence, paragraph or portion of this ordinance and franchise be declared to be invalid by a Court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance and franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the Town hereby expressly states and declares that it would nonetheless have passed this ordinance and granted this franchise had it known that any such word, phrase, clause, sentence, paragraph, or portion of said franchise were invalid.

**N. Compliance to Laws, Rules, and Regulations** – In the event any valid law, rule, or regulation of any governing authority or agency having jurisdiction, including, but not limited to, the Federal Communications Commission, contravenes the provision of this ordinance subsequent to its adoption, then the provisions hereof shall be superseded to the extent that the provisions hereof are in conflict with any such law, rule, or regulation.

**O. Protection of Non-subscribers** – Grantee shall at all times keep its cables and other appurtenances used for transmitting signals protected in such a manner that there will be no interference with communications signals received by persons not subscribing to grantee’s service.

**P. Conflict With Other Ordinances** – Should any other ordinance or part thereof be in conflict with the provisions of this ordinance, this ordinance shall prevail insofar as it applies to the Cable Communications System Franchise granted to grantee.

Adopted  
11-2-87

Approved  
Larry Luedtke  
Michael Mulroy  
Roger Nelson

Attest:  
Tracy Brockmann

ATC, d/b/a Cablevision of the Fox Cities, hereby accepts the franchise, to install, maintain, and operate a cable system in the Town of Dale, as set forth in the ordinance above, including all the terms and conditions thereof.

Dated: 11-3-87

Kent A Rice President  
Appleton – Green Bay Division

**TOWN OF DALE  
ORDINANCE 4.00**

**PUBLIC PARKS**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**SECTION I - REGULATION OF PARKS**

- A. That the public parks owned and managed by the Town of Dale shall be governed by the following rules and regulations, and by additional rules and regulations made and published upon the park premises Town of Dale as the Town Board shall see fit to further regulate said parks.
- B. Those rules shall thereafter be posted at the entrance to the park to which the rule applies. The posting shall be printed in a legible manner and a warning shall be posted with such rule that a violation of that rule so passed and posted shall be considered a violation of this Ordinance and shall be punishable by the penalty provided herein.

**SECTION 2 - OFFENSES WITHIN PARKS**

- A. No person shall:
  - 1. Alter or change or cause to be altered or changed anything within any park of the Town unless permitted to do so by the authority of the Town of Dale.
  - 2. Willfully injure, cut down, or destroy any fruit, shade or ornamental tree or shrub standing or being within any park of the Town.
  - 3. Interfere with, break down, deface or remove, or cause to be interfered with, broken down, defaced or removed, any sign, guard, protection, barrier or barricade placed in any park of the Town.
  - 4. Disobey or disregard the orders of any police officer when commanding any person to cease in a violation of any provisions of this section.
  - 5. Discharge any missile from any firearm, sling shot, bow and arrow or other weapon within the park.
  - 6. Operate a snowmobile, "all terrain vehicle," or "mini-bike" within any park of the Town except where the Town shall, by the posting of official signs, designate trails for allowed use within a park.
  - 7. Remove, destroy, cut, deface or injure any tree existing on any public park in the Town.
  - 8. Attach any rope, wire, chain, sign, or any other device whatsoever to any tree in any park in the Town.
  - 9. Place or leave rubbish of any nature within any park in the Town.
  - 10. Operate any vehicle faster than 10 m.p.h. in any park in the Town.
  - 11. Operate any vehicle except on established roads within any park in the Town.
  - 12. Carry an uncased firearm or weapon in any park in the Town.
  - 13. Hunt or trap within any park in the Town.
  - 14. Park any vehicle except in the designated area in the Town park.
  - 15. Build or cause to be built fires other than in established stationary fireplaces or in portable grills.
  - 16. Leave unattended any fire in any park in the Town, unless authorized by the Fire Chief of his/her designee.
  - 17. Injure, destroy, deface any property within any park in the Town; nor shall any person climb on any buildings, fences, statues or other structures in any park in the Town except properly designated recreational facilities.

**SECTION 3 - REGULATIONS, RESERVATIONS AND PERMITS**

- A. The Town Board of the Town of Dale shall have the authority to regulate the use of certain portions of the park during certain hours in order to facilitate persons, groups, or others in such a manner as to beneficially make the most efficient use of the said park on behalf of said residents. The Town Board shall have the authority to close the park or any portion thereof in order to maintain public peace and order to regulate the use of areas where, in his opinion, the health and safety of park users is in danger.
- B. Dog Regulations
  - 1. All dogs shall be leashed and under the control of the owner or another person in any Town of Dale Park
  - 2. Owners or other person are responsible for cleaning up after their dog.
- C. The park permit fees and rules regarding the Town Boards issuance of such permits are as follows:

1. Permission to use the park shall be issued on a first-come, first-served basis.
2. Fees and deposits are established by the Town Board and subject to change.

Fees are available upon request.

3. The Town Board may require a uniformed officer at any event with an excess of 50 people and where the consumption of alcoholic beverages will occur.
4. The Town Board reserves the right to refuse a permit to any group or persons that it reasonably believes any of the following may result or occur from the said park use:
  - a. That a disturbance would be created to a substantial portion of others using the park.
  - b. Substantial disturbance would be caused to people and/or residents in and about the park area.
  - c. That the purpose of the gathering is solely for the consumption of alcoholic beverages and the Board reasonably believes said gathering could end with disturbances and damages to the park.
  - d. Where previous uses by the group applying for such permit have resulted in disturbances of any nature such as is outlined above.
5. Sales of beer cannot be made on or about the park property without first obtaining written permission from the Town Board and thereafter obtaining a beer license from the Town Board.
6. Overnight camping in any Town park is prohibited.
7. No person shall establish, erect, or use any temporary structures, such as tents, covers, or other temporary structures in any Town park, unless the Town Board gives previous permission.
8. No person shall establish any carnival rides, whether miniature or otherwise, or conduct any business for entertainment in the parks without first obtaining permission from the Town Board.
9. No person shall possess or consume beverages such as beer, wine, liquor, or any other form of beverage, packaged in a glass container of any form, including but not limited to, bottles, jugs, jars, cups, drinking glasses, or any other such similar container. This rule does not prohibit the possession or consumption of beverages packaged in containers other than glass.
10. No person shall possess or operate any sound amplification equipment on park property, including but not limited to, loud speakers and amplifiers, whether such equipment consists of self-contained units or are incorporated into sound systems used in automobiles, radio receivers, or any other sound reproduction components, subject to the exceptions set out below:
11. It shall not be a violation of this Ordinance if the person possessing or using sound amplification equipment on park property has first obtained a written permit from the Town of Dale specifying the date, time, and purpose for which such sound amplification equipment can be used.
12. It shall not be a violation of this Ordinance for any person to play radios or tape player equipment inside an automobile, the doors of which are closed, while automobile is either in motion, or in the case of an automobile at rest, is not a violation if the sounds emitted from such equipment are inaudible beyond a twenty-foot radius of said automobile.

#### **SECTION 4 - PENALTY**

Any person violating the provisions of this Ordinance shall, upon conviction thereof, forfeit \$25.00 and costs.

#### **SECTION 5. - SEVERABILITY**

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given.

**TOWN OF DALE  
ORDINANCE NO 4:01**

**PARK AND RECREATION FEE ORDINANCE**

**WHEREAS**, the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin feel it is in the best public interest to provide funding for park site acquisition, park and recreation development and other park related capital improvements.

**WHEREAS**, the Town of Dale requires the dedication of land for park purposes or payment in lieu of said dedication during the plat review and approval process; and

**WHEREAS**, all new residential development should contribute equally for the purpose of providing future recreational facilities and opportunities in the Town;

**NOW THEREFORE**, be it ordained by the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin as follows:

**Section 1 Land Dedications:**

Whenever a proposed park, playground or recreational open space is designated in an adopted regional, county or local comprehensive or recreational plan, all of a part of which lies within a tract of land to be subdivided, such proposed public lands shall be made a part of the plat and shall be either dedicated to the public or reserved for acquisition at cost equal to undeveloped land costs for a period not to exceed five (5) years from the date of the recording of such plat, unless extended by the mutual agreement of the subdivider and the Town. The size and location of dedications herein shall be subject to the approval of the Town Board. The Town Board shall retain the right to refuse any dedication that is found to be unsuitable or inconsistent with the aforementioned adopted plan.

**Section 2 Fee:**

For each dwelling unit constructed in the Town, a fee in the sum of \$200 per unit shall be collected prior to the issuance of a building permit.

**Section 3 Exemptions:**

The dwelling units constructed prior to the effective date of this Ordinance shall be exempt from the fee referred to herein above. Dwellings constructed within approved plats that have included a dedication of land to the public, approved by the Town Board, shall be exempt from the above mentioned fee.

**Section 4 Park Escrow Account:**

All payments received by the Town pursuant to this Ordinance, shall be deposited in a separate, non-lapsing fund to be used exclusively for park acquisition and improvement.

Adopted this 13 day of June, 2000.

TOWN OF DALE  
KEITH STECKBAUER, TOWN CHAIRMAN  
MARCIA A KELLY, CLERK

No. Voted for 2  
No. Vote against 0

This instrument drafted by:  
Attorney Erik R Forsgren  
302 Wolf River Drive  
PO Box 188  
Fremont WI 54940

# **TOWN OF DALE**

## **ORDINANCE 5:00**

### **OPEN BURNING**

WHEREAS, the Town of Dale, Board of Supervisors of Outagamie County, ordains as follows;

#### **Section 1: Purpose**

This ordinance is intended to promote the public health, safety and welfare and to safe guard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Dale, Outagamie County, Wisconsin by regulating the air pollution and fire hazards of open burning.

#### **Section 2: Applicability**

This ordinance applies to all outdoor burning within the Town of Dale, County of Outagamie, Wisconsin.

**2.1.** This ordinance does not apply to grilling or cooking food, using charcoal, wood, propane or natural gas in cooking or grilling appliances.

**2.2.** This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device, whether within or outside a building.

**2.3.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

#### **Section 3: Severability**

Should any portion of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected.

#### **Section 4: Definitions**

**4.1.** “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney. This includes burning in a burn barrel.

**4.2.** “Refuse” means any waste material except trees, logs, brush, stumps, leaves, grass clippings or other vegetative matter. “Refuse” includes any and all materials, the burning of which is prohibited by the Wisconsin Department of Natural Resources, the Wisconsin Administrative Code, or any County Ordinances and any State Statutes.

Included in this list for example would be oily or greasy rags, oil filters, asphalt shingles, tar paper, plastics of any kind including plastic bottles and plastic bags, rubber products including tires and hoses.

#### **Section 5: Open burning of trees, logs, brush, stumps, leaves, grass clippings and non-prohibited refuse**

**5.1.** Open burning of the above-referenced materials is allowed only in accordance with the following provisions:

**5.2.** No burning shall be conducted within twenty-five feet of any structure.

**5.3.** All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways or railroads. Open burning shall be conducted in conformance with all local and state fire protection regulations.

**5.4.** Outdoor campfires, and small bonfires for cooking or recreation are allowed provided they do not cause a nuisance.

**5.5.** Except for campfires, open burning shall be conducted only during daylight hours.

**5.6.** Open burning shall be constantly attended and supervised by a competent person of at least eighteen years of age until the fire is extinguished and is cold.

## **Section 6: Penalties**

**6.1.** Any person starting a fire that requires a response by the fire department will be billed the cost of the fire run.

**6.1.1.** A “response” is defined as the Town of Dale Fire and Rescue Department arriving with personal and equipment at the sight of the fire due to the Outagamie County Dispatch.

**6.2.** The fire department has no responsibility under this ordinance to investigate whether a fire warrants a response: any phone call to the Dale Fire Rescue Department or the Outagamie Dispatch about a fire will be treated as an emergency requiring a response.

**6.3.** The cost of the fire run shall be the sum of Two Hundred and Fifty Dollars (\$250.00). In the event suppression of the fire results in costs in excess of Twenty-five Hundred Dollars (\$2,500.00) including but not limited to costs for personal and equipment, then such costs shall be billed to the person or landowner responsible for the fire. Such additional cost will be subject to the approval of the Town Board.

**6.4.** In addition to the cost of fire run, any person who violates this ordinance shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) plus court costs.

Adopted this 30<sup>th</sup> day of March, 2015

TOWN OF DALE

By: \_\_\_\_\_  
Mr. Doug Wunderlich, Chairman

By: \_\_\_\_\_  
Ms. Jenny DeZeeuw, Clerk

Number Voted For: 3

Number Voted Against: 0

This Ordinance drafted by:  
Attorney Erik R. Forsgren  
Attorney for the Town of Dale  
716 Wolf River Drive  
P.O. Box 188  
Fremont, WI 54940  
920-446-3385

**THIS ORDINANCE RECENDS PREVIOUS TOWN OF DALE ORDINANCE 5:00**

**TOWN OF DALE  
ORDINANCE 5:01**

**CLASS B BEVERAGE LICENSE**

The Town Board of the Town of Dale Outagamie County, Wisconsin ordains as follows:

**WHEREAS**, No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" license or permit. These restrictions do not apply to any of the following:

1. A hotel.
2. A restaurant, whether or not it is a part of or located in any mercantile establishment.
3. A combination grocery store and tavern.
4. A combination sporting goods store and tavern in town, villages and 4th class cities.
5. A combination novelty store and tavern.
6. A bowling alley or recreation premises.
7. A club, society, or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license or permit.

**TOWN OF DALE  
AMENDED ORDINANCE 5:02**

**PROVISIONAL BARTENDER'S LICENSE**

The Town of Dale, Outagamie County, Wisconsin ordains as follows:

**WHEREAS** the purpose of this ordinance allows for issuance on a provisional basis of a license to those applying for an operator's (bartender's) license for service or sale of alcoholic beverages. A provisional license may only be issued to those persons that have not completed a responsible beverage service course and exhibit proof of compliance with that training standard set forth in current Wisconsin Statute 125.17(6). A provisional license allows time to obtain training required for working without supervision or another licensed person in a Class A or B business or organization.

**SECTION 1 ELIGIBILITY**

Each applicant must be at least 18 years of age, and have completed an application form supplied by the Clerk in order for the Board to consider approval. All arrests and convictions of the applicant shall be disclosed on the application or an attached sheet. The applicant for a provisional license must present, with the application, proof that the applicant is enrolled in a training course under Section 125.17(6) a) of Wisconsin Statutes.

**SECTION 2 TERM**

The provisional license shall be effective until a certificate or other proof of compliance with training requirements is presented to the Clerk. In no case will the provisional license be effective more than 60 days after issuance. The issuance date, final date of validity, or both, shall be placed on the license form when issued.

**SECTION 3 ISSUANCE**

Upon written application for provisional license, the Clerk shall conduct a record check for past crimes or arrests. If the applicant has no past crimes or arrests as verified by the record check, the Clerk is authorized to issue a provisional license to the applicant which shall be reviewed by the Town Board at the next regularly scheduled Town Board meeting. In the event a person requests issuance of a provisional license extension, and has received prior Town Board approval of the original provisional license, the clerk is authorized to issue a renewal of the provisional license upon payment of the proper fees.

**SECTION 4 FEES**

There shall be an initial fee determined by the municipality and set forth in the current Town of Dale Fee Schedule, to be paid in addition to the regular liquor license fee and may not exceed fifteen dollars (\$15.00). All fees are required to be paid by or for the applicant prior to license issuance.

**SECTION 5 REVOCATION**

In the event, following issuance, it is discovered a part of the license application was false that, in the Clerk's judgment, might have affected the Board's decision on whether to license, including but not limited to past crimes or arrests, then the Clerk may revoke said license. Upon making such a decision, the Clerk shall mail or have a written notice delivered to the license holder, notifying the person of the action taken, the reason(s) for such action, and the right to have a license review hearing before the Town Board, upon the applicant's written request. When a request for hearing is made, the Board shall follow general procedures set forth in Section although no complaint is required. The Clerk shall notify the licensee of the Board time scheduled for hearing the matter, by mail or delivery. Any mail notice in this Ordinance is sufficient if mailed by first class mail to the last known address of the licensee, in an envelope containing the return address of the Town of Dale Clerk. No request for a license review hearing is valid when received past the final day the provisional license would have been effective.

**SECTION 6 EFFECTIVE DATE**

This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this 10<sup>th</sup> day of February, 2014.      **THIS ORDINANCE AMENDS PREVIOUS ORDINANCE 5:02**

**TOWN OF DALE  
ORDINANCE 5:03**

**PROHIBITING ISSUANCE OF ALCOHOL BEVERAGE LICENSE FOR  
NONPAYMENT OF TAXES, ASSESSMENTS AND CLAIMS**

The Town Board of the Town of Dale, Outagamie County, Wisconsin ordains as follows.

**SECTION 1 - LICENSE RESTRICTIONS**

**A. DELINQUENT TAXES, ASSESSMENTS, ETC.**

1. Premises:  
No initial nor renewal alcohol beverage license shall be granted for any premises for which personal property taxes, assessments, or other claims of the Town of Dale are delinquent and unpaid.
2. Persons:  
No initial nor renewal alcohol license shall be granted to any person:
  - a. Delinquent in payment of any personal property taxes, assessments or other claims owed to the Town of Dale
  - b. Delinquent in payment of a forfeiture resulting from a violation of any Ordinance of the Town of Dale.
  - c. Delinquent in payment to the State of any State taxes owed.

**SECTION 2 - SEVERABILITY**

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

**TOWN OF DALE  
ORDINANCE NO 5:04**

**AMENDED ORDINANCE ESTABLISHING FIRE PROTECTION CHARGES**

**WHEREAS**, 1983 Wisconsin Act 532 authorizes towns to charge property owners a portion or all of the cost of fire protection;

**WHEREAS**, it is in the public interest of Town of Dale, Outagamie County, Wisconsin, to charge the cost of such protection to property owners;

**NOW THEREFORE**, be it ordained by the Town Board of Supervisors of the Town of Dale as follows:

**SECTION 1 STATE AUTHORITY:**

Pursuant to Section 60.55, Section 60.555 and Section 60.557 of Wisconsin Statutes, the Town of Dale hereby establishes the following policy and procedure for the payment of fire costs incurred by the Town of Dale Fire and Rescue Department.

**SECTION 2 LIABILITY FOR FIRE PROTECTION COSTS:**

The property owners of real estate within the Town of Dale, for which fire protection is provided, shall be responsible for the reasonable cost of the fire calls made to their property as follows:

The cost of the fire calls shall be charged to owners of real estate located within the Town of Dale if any of the following occur:

The fire was started as a controlled burn without a burning permit as required by Town of Dale Ordinance.

The fire was started as the result of the negligence or intentional conduct of the property owner, his guests or invitees whether or not the fire was started with the knowledge or permission of the property owner.

The fire is a second or subsequent fire at the same location and the contributing causes of the fire have not been reasonably corrected or reasonable efforts to correct the cause have not been made by the property owner, including predecessors in interest to the property owner.

**SECTION 3 FIRE BILLING AND PAYMENT PROCEDURE:**

The cost of fire calls as outlined above shall be invoiced by the Town Clerk to the property owner and paid to the Town Treasurer within sixty (60) days of the date of the invoice. The failure to pay the invoice within sixty (60) days will result in interest being charged at the rate of eighteen percent (18%) per annum from the date of the invoice. Those invoices remaining outstanding, including interest, for more than ninety (90) days as of November 10 of any year, shall become a lien against the real estate for which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Section 66.60 of Wisconsin Statutes.

**SECTION 4 REVIEW PROCEDURES:**

Objections by land owners as to any invoice received in relation to the provision of fire protection services shall be made in writing within fourteen (14) days of the date the invoice is postmarked. Objections shall be mailed to the Town Clerk for the Town of Dale at W9641 State Rd 96, PO Box 83 Dale WI 54931. Objections will be heard at the next regularly scheduled meeting of the Town Board of the Town of Dale. Notice of such meeting will be forwarded by regular mail to the objector. The vote of the majority of the Town Board will be controlling as to the disposition of land owner's objection. The Town Board in hearing the objection of the land owner shall consider all factors the Board deems relevant to the objection and its disposition, including, but not limited to the following:

The negligence of the land owner; the term "negligence" being defined as follows: A person is negligent when he or she fails to exercise ordinary care. Ordinary care is the care which a reasonable person would use in similar circumstances. A person is not using ordinary care and is negligent, if the person, without intending to do harm, does something or alternatively, fails to do something that a reasonable person would recognize as creating an unreasonable risk of injury or damage to a person or property;

The negligence of any occupants of land, including, but not limited to, invites, trespassers, guests, and family members; This history of any previous fires at or on the subject property;

The weather conditions existing at the time of and immediately before the fire; any changes in weather conditions during the duration of the fire, including, but not limited to the change in wind direction and velocity;  
The reasonableness and appropriateness of the Department's response, including, but not limited to equipment committed to the fire and personnel committed to the fire;  
The duration of the fire; and  
The location of the fire in terms of accessibility to the fire fighting equipment and personnel

**SECTION 5 SEVERABILITY OF PROVISIONS:**

Should any section or provision of this Ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 6 EFFECTIVE DATE:**

The Ordinance shall take effect from and after its passage and posting as provided by law.

Adopted this 14 day of October, 2003.

MARCIA A KELLY, CLERK

TOWN OF DALE  
DOUG WUNDERLICH, TOWN CHAIRMAN

No. Voted for 3  
No. voted against 0

This instrument drafted by:  
Attorney Erik R Forsgren  
716 Wolf River Drive  
PO Box 188  
Fremont WI 54940

# **TOWN OF DALE ORDINANCE 5:04A**

## **REIMBURSEMENT FOR FIRE PROTECTION CHARGES**

WHEREAS, it is in the public interest of the Town of Dale, Outagamie County, Wisconsin to charge the cost of fire protection to property owners;

WHEREAS, it is common practice for insurance policies, including, but not limited to homeowner's insurance policies to include provisions covering the cost of fire protection;

NOW THEREFORE, be it ordained by the Board of Supervisors of the Town of Dale as follows:

- A. The Town of Dale is hereby authorized to request payment and/or reimbursement pursuant to the terms and conditions of any homeowner's policy or similar coverage covering the fire protection costs provided by the Town of Dale.
- B. This ordinance does not in any way amend or supersede any other Town of Dale Ordinances pertaining to fire protection charges and/or collection.
- C. Effective Date – This Ordinance shall be effective upon passage and posting as provided by law.

Adopted this 14<sup>th</sup> day of January, 2013

**TOWN OF DALE  
ORDINANCE 5:05**

**SIGN REGULATIONS**

**WHEREAS**, the Town of Dale Outagamie County, Wisconsin endeavors to encourage the effective use of signs as a means of communication, to promote the general welfare of the community by enhancing land values and the economic prosperity of the community, to engender emotional tranquility and civic pride in the community, to improve the traffic safety, and to harmonize the use of signs with existing land uses:

Now, therefore, the Town Board of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

**SECTION 1 GENERAL RESTRICTIONS**

Compliance with other codes—All signs shall be erected, altered, or maintained in accordance with the building, zoning, and electrical codes of the Town of Dale, Outagamie County, Wisconsin; and Outagamie County, Wisconsin; and the State of Wisconsin.

Conflict of Ordinances and regulations—In the event this ordinance or any part thereof is in conflict with any other code, ordinance, or regulation, including, but not limited to the Outagamie County Zoning Ordinance dated July 5, 1989 and any revision thereto, then the more restrictive code, regulations, or ordinance shall be controlling. All signage on State Rd 96 requires a State of Wisconsin Department of Transportation permit.

**SECTION 2 DEFINITIONS**

This ordinance incorporates all those applicable terms defined in the Outagamie County Zoning Ordinance dated July 5, 1989 and any revisions thereto, in addition the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**Awning:** A permanent or temporary structure attached to and wholly supported by a building and installed over or in front of openings or windows in a building

**Banner:** Any sign printed or displayed upon cloth or other flexible material, with or without frames.

**Bulletin Board:** Any sign erected by a charity, educational, or religious institution or public body, which is erected upon said property at said institution for purposes of announcing events which are held on the premises.

**Exempt Signs:** Signs that are clearly incidental to the principal use of the property and that are general informational and contain no commercial message, such as “Entrance,” “No Parking,” or other similar directives. Any public notice or warnings required by a valid and applicable federal, state, or local law, regulation or ordinances are also exempt.

**Off Premises Signs:** Signs other than an on premises signs, including but not limited to, billboards.

**On Premises Signs:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

**Prohibited Signs:** Signs which carry a commercial message other than the business name. Also prohibited are portable signs, beacons, tethered balloons, and other inflatable signs, and flashing signs except for time, temperature, or other public service information.

### **SECTION 3 SIZE**

The maximum size for a detached sign in all zoning classifications shall not exceed thirty-two square feet (32 sq.ft.).

The maximum size for an attached sign in all zoning classifications shall not exceed one hundred square feet (100 sq. ft.).

The sale of farm goods and/or produce may be advertised with one on premises sign not exceeding twenty-five square feet (25 sq. ft.).

Any sign designating a home business or occupation shall not exceed one square foot (1 sq. ft.).

### **SECTION 4 OFF PREMISES SIGN:**

No off premises sign may be erected two thousand (2000) feet of another off premises sign as measured along both sides of the highway or within two thousand (2000) feet of the intersecting center line of two roadways.

No off premises sign shall be located within one thousand (1000) feet of an existing residence, residential district, historical district, or park, school, church, hospital, cemetery, government building, neighborhood shopping center, or downtown commercial district.

The highway setback for off premises signs shall be fifty-five (55) feet from the right of way.

### **SECTION 5 ACCESSORY SIGN**

Accessory signs in Agricultural District: For general exception uses and structures, one detached sign in the building setback area (front yard) limited in aggregate area to three (3) times the lineal feet of frontage provided, however, that no detached sign shall exceed thirty-two (32) square feet in area, no part of the supporting structure shall be closer than ten(10) feet to the right of way and at least twelve (12) feet of clear space if there is a visibility issue, exclusive of the supporting structures, shall be maintained underneath the sign for visibility purposes.

Accessory signs in RSF (Single Family Residential District):

Subdivisions shall be limited to one identification sign limited to thirty-two (32) square feet in area.

One temporary sign will be permitted for each street frontage advertising the sale or lease of real estate and one temporary sign advertising the development of properties. No temporary sign shall be erected within ten (10) feet of any adjacent side yard and no temporary sign shall remain after the sale, lease, or development of the property.

In connection with any public or semi-public institution, the following signs are permitted:

One identification sign limited to thirty (30) square feet in area;

One bulletin board limited to twenty (20) square feet in area;

Not more than two (2) temporary signs or banners limited to a combined area of thirty (30) square feet in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two (2) weeks.

Accessory signs in CR (Regional Commercial District): For each establishment or each frontage on a public street or highway, if such establishment is located the intersection of two (2) public streets or highways, the following signs are permitted:

One detached sign in the building setback area (front yard) limited in aggregate area to three (3) times the lineal feet of frontage. However, no detached sign shall exceed thirty-two (32) square feet in area, no part of the supporting structure shall be closer than ten (10) feet to the right of way and at least twelve (12) feet of clear space, exclusive of the supporting structure must be maintained underneath the sign for visibility purposes.

One attached flat marquee or projecting sign and twenty (20) feet of sign area for each twenty (20) feet lineal frontage, not to exceed one hundred (100) square feet. The sign area may be used in a lesser number of signs than permitted, but the maximum number of signs shall not be exceeded.

Temporary signs for the sale or lease of the property. No temporary sign shall be erected within the required front, rear, or side yard setbacks.

Accessory signs in CL (Local Commercial District):

For each development, one general identification sign limited to one hundred (100) square feet in area if maintained approximately parallel to the right of way or two signs limited to seventy-five (75) square feet in area if mounted back to back or angled to be read from opposite directions for each frontage of the development.

For each establishment, one (1) sign and one (1) square foot of sign area for each lineal foot of building frontage, not to exceed one hundred (100) square feet. Such sign shall refer only to the name and nature of the business conducted within the building and to goods and services offered and shall be mounted flat against the wall of the building.

Temporary signs for the sale or the lease of the property. No temporary sign shall be erected within the required front, rear, or side yard setbacks.

Accessory signs in IND (Industrial District): For each principle building or each frontage on a public street or highway if such establishment is located at the intersection of two public streets or highways, the following signs:

One detached sign in the building setback area (front yard) limited in aggregate area to one hundred (100) square feet provided, however, that no part of a supporting structure shall be closer than ten (10) feet to the right of way, no part of the sign shall overhang the right of way, and at least twelve (12) feet of clear space, exclusive of the supporting structure, shall be maintained underneath the sign for visibility purposes.

Flat signs limited in aggregate area to twenty percent (20%) of the wall area fronting on a public street or highway.

Temporary signs for the sale or lease of the property. No temporary sign shall be erected within the required front, rear, or side yard setbacks.

### **Section 6 Signs on Awnings**

Advertising or display matter may be painted, placed, embroidered, stenciled, or installed upon the awning surface only, of any awnings constructed, erected, or maintained in accordance with the building code, provided that such advertising or display matter does not extend above or below such awning.

**Section 7 Non-Conforming Signs**

Signage, which exists legally on the date this ordinance is adopted, shall be considered legal non-conforming structures and may remain as provided in the Outagamie County ordinances. However, any sale of a building, business, or sign replacement requires that the sign be brought into conformance with this ordinance. No non-conforming structure may be enlarged or altered in a way which would increase its non-conformity. Should any non-conforming sign be damaged by any means to the extent of more than fifty percent (50%) of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this ordinance. Signs which did not lawfully exist prior to the effective date of this ordinance shall be considered illegal and shall be removed or made to conform with this ordinance. Removal shall be performed by the owner of the sign following a notice of violation issues by the Town of Dale or Outagamie County. Should the owner fail to meet the requirement of the notice, the sign shall be removed by the Town of Dale and/or Outagamie County at the owner's expense.

**Section 8 All Signs Shall Be Maintained So As To Present A Neat, Clean, and Orderly Appearance.**

All signs shall be maintained in inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds, if applicable. Any sign which is highly rusted, has peeling paint, or in any other way appears unattractive, unsafe, or in disrepair, shall be deemed in violation of this ordinance and shall be removed by the Town of Dale at the property owner's expense..

**Section 9 Character Of Signs General Provisions**

Flashing signs, remnants, banners, streamers, and all other fluttering or spinning signs shall be prohibited, except in connection with temporary sales, cultural events or civic activities. No signs shall display flashing or illuminated lights customarily associated with danger or emergencies.

**Section 10 Illumination**

No signs or billboards may be illuminated other than as provided for in the Outagamie County Zoning Ordinance or the provisions of this Ordinance.

**Section 11 Fee Schedule**

Fees for the sign permit and non-compliance penalty fees shall be established by the Town Board and can be found in the Town of Dale permit fee schedule.

**Section 12 Severability**

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

**Section 13 Effective Date**

**This ordinance shall be effective upon passage and publication as provided by law.**

**Adopted this 10 day of July, 2002.**

**TOWN OF DALE**

By \_\_\_\_\_

Chairman, Douglas E. Wunderlich

By \_\_\_\_\_

Clerk, Marcia A. Kelly

**TOWN OF DALE, OUTAGAMIE COUNTY, WISCONSIN RESOLUTION  
SERIES OF 2002**

**RESOLUTION OF THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF DALE, OUTAGAMIE  
COUNTY, WISCONSIN PROVIDING FOR A FEE SCHEDULE FOR SIGN REGULATIONS ORDINANCE**

**WHEREAS**, the Town of Dale Town Board has passed a Sign Regulations Ordinance to encourage the effective use of signs as a means of communications to promote the general welfare of the Community by enhancing land values and the economic prosperity of the community, to engender emotional tranquility and civic pride in the community, to improve traffic safety, and to harmonize the use of signs with existing land uses.

**NOW THEREFORE**, be it resolved by the Town Board of Supervisors the following fee schedule shall be imposed as follows:

\$100.00 permit fee for each sign

\$25.00 a day penalty for constructing a sign without the permit.

Permits can be obtained at the Town Hall.

Town Chairperson is responsible for inspection of signs to insure compliance with the ordinance.

Approved July 10, 2002

Town Board

By \_\_\_\_\_  
Douglas Wunderlich, Chairperson

By: \_\_\_\_\_  
Marcia A. Kelly, Clerk

Number Voted for 3

Number Voted Against 0

**TOWN OF DALE SIGN APPLICATION & PERMIT**

Date applied \_\_\_\_\_

Name of applicant \_\_\_\_\_

Address of Applicant \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone # of applicant \_\_\_\_\_

Check the appropriate box and circle Yes/No and give locations as needed below

On Premises  Detached sign

Square Feet of Sign \_\_\_\_\_ cannot exceed 32 Sq. Ft.

Lighting YES NO

On Premises  Attached sign

Square Feet of Sign \_\_\_\_\_ cannot exceed 100 Sq. Ft.

Lighting YES NO

Off Premises  Attached sign

Square Feet of Sign \_\_\_\_\_

Location from another off premises sign \_\_\_\_\_

Sign location from existing district \_\_\_\_\_

(See Town of Dale Ordinance 5.05)

Include a drawing of the sign showing dimensions and wording

Signed by Applicant \_\_\_\_\_

Signed by Town of Dale Clerk \_\_\_\_\_

\$100.00 Fee paid Cash      Check# \_\_\_\_\_ Money Order # \_\_\_\_\_ Other

Inspection Date \_\_\_\_\_

Inspected by \_\_\_\_\_

Permit # \_\_\_\_\_

**TOWN OF DALE  
ORDINANCE 5:06**

**UTILITY SERVICE PERMITS**

Now therefore, The Town of Dale, Board of Supervisors of Outagamie County, ordains as follows:

- A. No utilities, including, but not limited to sewer, gas, cable television, fiber optics and telephone, shall be installed within the Township of Dale without first obtaining a permit for such installation from the Town of Dale.
- B. The individual, partnership, corporation, or other legal entity installing the utility shall be responsible for obtaining the permit required herein.
- C. Any failure to apply for and obtain a permit as required herein shall result in penalties as stated in Resolution 2010 Fee Schedule.
- D. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
- E. Effective Date – This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this 9<sup>th</sup> day of February, 2010

**TOWN OF DALE, OUTAGAMIE COUNTY, WISCONSIN RESOLUTION  
2005 FEE SCHEDULE**

**RESOLUTION OF THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF DALE, OUTAGAMIE COUNTY, WISCONSIN PROVIDING FOR A FEE SCHEDULE FOR THE FOLOWING ORDINANCES:**

**ORDINANCE 6:00 BUILDING PERMIT  
ORDINANCE 6:06 TOWN ROAD ACCESS AND DRAINAGE**

**WHEREAS, The Town of Dale Town Board has passed a Building Permit Ordinance and a Town Road Access and Drainage Ordinance.**

**NOW THEREFORE, be it resolved by the Town Board of Supervisors the following fee schedule shall be imposed as follows:**

- a. Any person or persons obtaining a building permit after the stat of any new construction shall pay a fee for said permit in an amount equal to double the original permit fee; in addition, forfeitures in the amount of \$50.00 per day shall be imposed for each day of noncompliance, or violation prior to obtaining the above-referenced permit.**
- b. Any person obtaining a building permit after the start of any work or improvement on an existing structure shall pay a fee for said permit in an amount equal to double the original permit fee; in addition forfeitures in the amount of \$10.00 per day shall be imposed for each day of noncompliance prior to obtaining the above-referenced permit.**

**Penalties for violation of Town of Dale Ordinance 6:06 “Town Road Access and Drainage Ordinances” shall be as follows:**

- a. Any person or persons obtaining an access permit/culvert permit after the installation of said culvert, or after any site preparation for the placement of such culvert has commenced, shall pay a fee in an amount equal to double the original permit fee; in addition forfeitures in the amount of \$50.00 per day shall be imposed for each day of noncompliance prior to obtaining said access/culvert permit.**

# TOWN OF DALE

## ORDINANCE 6:00

### BUILDING PERMITS

NOWTHEREFORE, **The Town of Dale, Board of Supervisors of Outagamie County, Wisconsin** ordains as follows:

- A. That the previous Ordinance dealing with building permits is hereby abolished.
- B. That no building permit is required until the cost of the project reaches a minimum \$2,000.00.
- C. That the individual partnership or corporation who owns the land is responsible for obtaining permit from the Town of Dale Building Inspector.
- D. That no building shall commence until the building permit is obtained.
- E. That in the event a new home (including a mobile home), a commercial building, or an industrial building is proposed to be built, the building permit shall not be issued until the sanitary permit has been issued.
- F. The Town of Dale shall, pursuant to this Ordinance, adapt a schedule of fees and the disbursement of such fee. Such fee schedule is subject to amendment at the discretion of the Town Board.
- G. Any person or persons responsible for obtaining a building permit, who do not do so, shall suffer the penalties as stated in Resolution 2005 Fee Schedule.
- H. The Town Building Inspector shall be qualified by the State of Wisconsin and appointed by the Town Board of Dale.
- I. Refuse surcharge: Commencing January 1, 1999, any person or legal entity receiving a permit for a new home shall be required to prepay the current year refuse collection fee and administrative surcharge as otherwise determined by the Town Board. The surcharge shall be collected by the Building Inspector and may be collected as part of the building permit fee or by separate payment in the discretion of the Building Inspector.
  - 1. The Refuse surcharge shall be established on an annual basis by the Town Board.
- J. Monies collected by the Town of Dale Building Inspector are due to the Town of Dale no later than the 10<sup>th</sup> of the following month of the issuance of the permit.
- K. Current charges shall apply to all fees.

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

**RESOLUTION OF THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF DALE, OUTAGAMIE COUNTY, WISCONSIN PROVIDING FOR A FEE SCHEDULE FOR THE FOLLOWING ORDINANCES:**

**ORDINANCE 6:00 BUILDING PERMIT**

**ORDINANCE 6:06 TOWN ROAD ACCESS AND DRAINAGE**

**WHEREAS**, The Town of Dale Town Board has passed a Building Permit Ordinance and a Town Road Access and Drainage Ordinance.

**NOW THEREFORE**, be it resolved by the Town Board of Supervisors the following fee schedule shall be imposed as follows:

Penalties for violation of Town of Dale Ordinance 6:00 "Building Permit Ordinances" shall be as follows:

**A. New Construction**

Any person or persons obtaining a building permit after the start of any new construction shall pay a fee for said permit in an amount equal to double the original permit fee; in addition, forfeitures in the amount of \$50.00 per day shall be imposed for each day of noncompliance, or violation prior to obtaining the above-referenced permit.

Any person obtaining a building permit after the start of any work or improvement on an existing structure shall pay a fee for said permit in an amount equal to double the original permit fee; in addition forfeitures in the amount of \$10.00 per day shall be imposed for each day of noncompliance prior to obtaining the above-referenced permit.

**B. Existing Structure**

Penalties for violation of Town of Dale Ordinance 6:06 "Town Road Access and Drainage Ordinances" shall be as follows:

Any person or persons obtaining an access permit/culvert permit after the installation of said culvert, or after any site preparation for the placement of such culvert has commenced, shall pay a fee in an amount equal to double the original permit fee; in addition forfeitures in the amount of \$50.00 per day shall be imposed for each day of noncompliance prior to obtaining said access/culvert permit.

Approved July 12, 2005

**TOWN OF DALE  
ORDINANCE 6:01**

**BUILDING CODE**

All Town building and construction must conform to the current Outagamie County Zoning ordinance and the Wisconsin Uniform Dwelling Code.

**TOWN OF DALE  
ORDINANCE 6:02**

**ADOPTION OF WISCONSIN UNIFORM DWELLING CODE**

**NOW THEREFORE**, The Town of Dale, Board of Supervisors of Outagamie County, ordains as follows:

**Authority:** These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes.

**Purpose:** The purpose of this ordinance is to promote the general health, safety, and welfare, and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

**Scope:** The scope of this ordinance includes the construction and inspection of one and two-family dwellings built since June 1, 1980.

**Wisconsin Uniform Dwelling Code adopted:** The Wisconsin Uniform Dwelling Code, Chas. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

**Building Inspector:** The Building Inspector shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical and UDC Plumbing.

**Building Permit Required:** No person shall alter, in excess of Two Thousand Dollars (\$2,000) value in any twelve (12) month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits.

**Building Permit Fee:** The building permit fee shall be as provided for in the Town of Dale fee schedule.

**Penalties:** The enforcement of this Section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures, injunctive action or by other means as provided for herein, or in other Town of Dale Ordinances.

**TOWN OF DALE  
ORDINANCE 6:03**

**PROHIBITING THE USE OF HOLDING TANKS FOR NEW CONSTRUCTION**

**WHEREAS**, the proper setting, design, installation, and maintenance of private sewage systems are essential to the protection of the health of the public: and

**WHEREAS**, the Wisconsin Administrative Code, Sec. 83.18, provides that if a county, does not prohibit the installation and use of holding tanks for new construction, then any city village, or town within that county may prohibit, by ordinance, the installation and use of holding tanks for new construction: and

**WHEREAS**, Outagamie County does not so prohibit such installation:

**NOWHEREFORE**, the Town Board of the Town of Dale, does ordain as follows:

**SECTION 1 – DEFINITIONS**

“Holding tank,” means an approved watertight receptacle for the collection and holding of sewage.

“New Construction” means a new structure for which no sanitary permit for the installation of a private sewage system was issued prior to the effective date of this Ordinance.

“Private sewage system” means a septic tank and soil absorption field, an alternative system approved by the Department of Commerce, Safety, and Buildings Division, including a substitute for the septic tank or soil absorption field, or holding tank.

**SECTION 2 – PROHIBITION**

The installation and use of a holding tank for new construction in the Town of Dale is prohibited.

**SECTION 3 – EXISTING STRUCTURE**

When the use of a holding tank becomes the only available alternative for the disposal of sanitary liquid waste for an existing building, the Town shall allow the use of a holding tank or condemn the property.

**SECTION 4 – APPEAL PROCEDURE: VARIANCE**

Any person aggrieved by the application of this Ordinance may appeal, in writing, to the Town Board of the Town of Dale, setting forth the reasons for such appeal and the basis upon which it is felt that the Town should grant a variance to overcome such prohibition.

Within thirty (30) days of receiving such appeal, the Town Board shall hold a hearing on such appeal.

In making its determination, the Town may give consideration to the limited time the proposed holding tank will be in use, the arrangements for disposal of the effluent, the hardship caused by the prohibition weighted against consideration of public health, the likelihood of such installation resulting in a public nuisance, the practicality of the situation, and such other matters affecting public health and the general public welfare as it may deem appropriate.

The Town Board shall notify the Department of Commerce, Safety, and Building Division in writing of each variance granted hereunder.

**SECTION 5– SEVERABILITY**

If any portion of this Ordinance is found to be void, or otherwise unenforceable by a court of competent jurisdiction, such finding shall not affect the remaining portions of this ordinance, which shall remain in full force and effect.

**SECTION 6 – APPROVAL**

Prior to adoption, a copy of this Ordinance was submitted to and approved by the Department Commerce, Safety and Buildings Division pursuant to Section ILHD 83:18, Wisconsin Administrative Code.

**TOWN OF DALE**  
**ORDINANCE 6:04**

**CULVERT SPECIFICATION**

- A. **WHEREAS**, The Town Board of the Town of Dale Outagamie County, Wisconsin set the following specifications.
1. Culverts installed in the Town of Dale shall be a minimum of twenty four (24') feet in length with end walls, and not more than fifty (50').
  2. The inside diameter shall be a minimum of eighteen (18") inches.
  3. The material of which all such culverts are fabricated shall be steel as per requirement in AASHTO M36,
- B. That the culverts shall be laid at the bottom of the ditch and at a grade established by the Town Building Inspector, with the assistance of the Town Engineer as reasonably necessary.
- C. That this ordinance is supplemental to the Road Specifications Ordinance as established by the Town of Dale.

**TOWN OF DALE  
ORDINANCE 6:05**

**MANDATORY REFUSE PICK-UP**

By a unanimous vote, the Town Board was instructed to implement a refuse pickup program. Every resident will be billed for this service, where multiple occupancies are, such as duplexes etc. the cost will be the quoted rate times the number of family units.

The following is a set of rules and regulations that have been adopted by the Town Board:

1. To insure pickup, refuse must be placed by the curb or where the driveway meets the roadway by 6:00 A.M. on the day of pickup.
2. Refuse shall not be placed for pickup prior to 4:00 P.M. of the day before pickup.
3. Wrapped garbage, cans, bottles, glass and unburnable trash must be in containers or plastic bags that one man can easily lift. Container and refuse shall not exceed 50 pounds. No heavy metals bands.
4. Newspaper, cartons (broken down), must be tied in bundles to insure proper pickup.
5. All materials placed for pickup must be placed in a manner to prevent scattering and blowing about.
6. When refuse amounts and items exceed normal amount, or type of refuse, special pickups can be arranged by calling the refuse contractor. A special rate schedule has been setup for this purpose. Examples are remodeling, demolitions, building removal, excessive cleanup, construction rubble, etc.
7. The following items cannot be picked up:

Hot ashes and inflammable refuse

Construction material, stone, dirt, etc. In the case of solid, fill type refuse, stones, concrete, dirt, etc, contact any member of the Town Board to arrange for disposal.

If the scheduled pickup day falls on a holiday or pickup is impossible because of a winter storm, the pickup will be accomplished the following workday.

**SEVERABILITY**

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

**TOWN OF DALE  
ORDINANCE 6:06**

**TOWN ROAD ACCESS AND DRAINAGE ORDINANCE**

**FINDINGS**

**WHEREAS**, The Town board of Dale, Outagamie, Wisconsin, having studied the installation of culverts and the accessing of private parcels onto town roads, including various actions which impede the best drainage of other parcels and the impact of proper drainage on the roads within the town. To make the finding that it is in the best interest of the Town of Dale, that all obstructions and use of the drainage ditches within the Town be planned and inspected prior to use and that all future unapproved obstructions be removed to facilitate proper drainage.

**ORDINANCE**

**SECTION I ACCESS TO TOWN ROADS (DRIVEWAYS):** Every access to a town road created after the effective date of this ordinance shall only be created after receipt of a permit issued by the Town of Dale building inspector. If the access permit is received for any construction, the driveway must be fully installed pursuant to such permit prior to the commencement of any construction activity. The terms of the permit shall provide specific information including, but not limited to installation location, materials used, grade of installation. Any installation deviating from the terms of the permit shall be deemed a violation of the permit.

- A. Culvert standards:** Unless specific variance is granted by the building inspector on the face of the permit, all culverts installed within the Town of Dale for access onto town roads shall be as set forth in the culvert ordinance of the Town of Dale, number 6:04. The building inspector shall have the sole authority to grant variances of the standard culvert, including but not limited to use of culverts or size or shape of any culvert installed. The load bearing provisions and the requirements of endwalls portions of the culvert ordinance may not be varied by the building inspector.
- B. Access within Platted lands:** If an access permit is applied for property located within an approved plat, all installation and permits must comply with the drainage plan included in the approved plat.
- C. Access not within Platted lands:** If an access permit is applied for property not located within an approved plat, permits and installation shall be made so as to minimize standing water, promote flow of water to natural levels and locations and retention basins, and prevent any obstruction of water flow. Such permits and installations shall consider the existing ditch and other installations, but shall in no case impede water flow or increase existing drainage problems.
- D. Cooperation of permittee:** Every person requesting a permit must be available for an onsite inspection/consultation with the building inspector prior to issuance of a permit.
- E. Installation and Permitting:** Permits shall be issued prior to any installation. Permits may be issued upon either of the two following methods.
  - 1. **Review and Determination:** Any person requesting a permit may provide to the building inspector proposed grades, sizing and location information based upon information include within a drainage plan from an approved plat or based upon the topography of the proposed location. Such information must be complete and not require any supplementation.
  - 2. **Determination by Inspector:** The proposed location of the culverts may be provided to the building inspector and all grading, and sizing information will be provided by the inspector.
- F. Location of Access:** The building inspector may, in his sole discretion of the building inspector, alter the proposed location based upon drainage, elevations, and the relationship between the proposed location and other access points, and other roads including mapped and proposed roads.
- G. Engineering Services:** At the sole discretion of the building inspector, the Town of Dale engineer may be retained to assist in evaluation of the proposed access permit. Any costs incurred by the town in utilizing such services may be assessed to the property owner benefiting from the permit upon review by the town board and upon notice to the property owner and the individual requesting the permit.
- H. Fees:** Fees for an access permit must be paid upon application for a permit, and such fees shall be paid directly to the building inspector as follows:

1. For a permit issued upon review and determination, as described in paragraph (e) 1 above, \$60.00. Ten dollars of such fee shall be retained by the town for administrative fees.
2. For a permit issued upon determination of the inspector, as described in paragraph (e) 2 above, \$120.00. Thirty dollars of such fee shall be retained by the town for administrative fees.

**SECTION II Obstruction of Ditches:** It is declared unlawful and contrary to the ordinances of the Town of Dale to obstruct any ditch adjoining a Town of Dale road. Obstruction of a ditch, includes but is not limited to placement of any culvert or access or driveway without a permit as required in section I of this ordinance or contrary to the terms of a permit, the placement of any gravel, stone or like material for the purpose of a temporary access, placement of debris, garbage or refuse within any drainage ditch adjoining a town road, if the ditch is within a road right of way of any sort. Any obstruction will be immediately removed upon discovery by the town, and the actual cost of removal shall be assessed against the real estate of any land benefiting from such obstruction. Further, if the building inspector determines that the obstruction was intended to be an access in violation of section I above, then the fee under section (h) 2 shall be imposed on the property owner and each day such obstruction exists shall be considered a separate violation.

**Additional Finding:** Further, at various times and places individuals have attempted to service more than one premise or residence by means of easements or like devices. The town has a legitimate interest in assuring access to such premises or residences for services it provides and for the health and well being of its residences. The town, therefore, finds that it is contrary to the health and safety of its residences to allow the construction of any premise of any sort or dwelling for human occupancy unless all such premises or dwelling are located on individual parcels which include adequate frontage on a town road.

**SECTION III. Frontage and Access Requirements:** No building permit shall be issued for the construction of a new dwelling or premise for human occupancy unless such construction shall be located on an individual parcel meeting the minimum county or town ordinance requirements and unless the parcel has the following minimum frontage on an approved and accepted town road:

If located on a cul-de-sac: 60 feet of frontage

If not located on a cul-de-sac: 100 feet of frontage.

This ordinance does not preclude the use of shared or easement driveways provided the above requirements are satisfied. All private driveway agreements for private roads longer than 200' must reserve for public use 66 ft. of right of way that is recorded with the Register of Deeds reflecting such reservations.

**TOWN OF DALE  
ORDINANCE 6:07**

**SHARED DRIVEWAYS PROHIBITED**

**WHEREAS**, public purposes are served by the orderly, controlled, and safe development of real estate within the Town of Dale;

**WHEREAS**, it is essential for the Town of Dale fire and emergency vehicles to have suitable access to private property;

**WHEREAS**, the utilization of common or shared driveways can serve as an impediment to such acts;

**NOW THEREFORE**, the Town Board of the Town of Dale, Outagamie County, ordains as follows:

No person, firm, or corporation shall hereafter construct, build, establish, or maintain any driveway or access to private property that is in violation of the requirements and specifications for such construction as provided for in the Town of Dale Ordinances, including, but not limited to, Ordinance Numbers 6.04 and 6.06 or any Amendments thereto. Unless a specific variance is granted by the Town Board of the Town of Dale all driveways installed within the Town of Dale shall be subject to this Ordinance.

Effective Date: This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this 14 day of Sept, 2004.

TOWN OF DALE

By: \_\_\_\_\_  
Chairperson

By: \_\_\_\_\_  
Clerk, Marcia A. Kelly

Number Voted For 2  
Number Voted Against: 0

This Ordinance drafted by:  
Attorney Erik R. Forsgren  
Attorney for the Town of Dale  
716 Wolf River Drive  
P.O. Box 188  
Fremont, WI 54940  
920-446-3385

**TOWN OF DALE  
ORDINANCE 6:08**

**911 – ADDRESS SIGNS, REMOVAL – OBSTRUCTION PROHIBITED**

**WHEREAS**, The Town Board of Supervisors for the Town of Dale, Outagamie County, Wisconsin, believe it is in the best public interest to provide and install 911 address signs for all residences in the town of Dale.

**WHEREAS**, The installation and proper maintenance of such 911 address signs is essential to provide for the safety and well being of all of the residents of the Town of Dale.

**WHEREAS**, The installation and maintenance of 911 address signs is essential for among other things, the swift and efficient response and access of police, fire, and emergency vehicles,

**NOW, THEREFORE**, be it ordained by the Town Board of Supervisors of the Town of Dale, Outagamie County, Wisconsin, as follows:

**SECTION 1 – INSTALLATION GUIDELINES**

All posts for the 911 address signs shall be installed approximately 18 inches in the ground. All posts shall be installed approximately 15 feet from the edge of the right side of the driveway (facing the home from the road), and on the back edge of the right-of-way. Alternate locations may be necessary as a result of foliage, lot line boundaries, or other obstructions that would compromise the effectiveness of the sign if installed in the primary location. Alternate locations shall be the left side of the driveway with the same measurements as referred to herein.

**SECTION 2 – REMOVAL – MAINTENANCE**

All signs installed pursuant to this ordinance shall remain in place on the property and shall be maintained by the property owner so as to be clearly visible from the nearest street, highway, or access point.

**SECTION 3 – PENALTIES FOR VIOLATION OF ORDINANCE**

Any individual subject to this ordinance who removes the 911 address sign or fails to adequately maintain such sign as required pursuant to this ordinance shall pay a forfeiture of \$25.00 for each day of violation of this ordinance, in addition, any person found in violation of this ordinance shall be responsible for paying the reasonable cost of replacement of the 911 address sign or the reasonable cost of any maintenance of the sign performed by the Town of Dale.

**SECTION 4 – EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as provided by law.

# TOWN OF DALE ORDINANCE 6:09

## MINIMAL DRIVEWAY CLEARANCE

**WHEREAS**, the Town Board of the Town of Dale, in the interest of public safety, has determined that due to the need for emergency vehicles to gain access to properties by means of private driveways, a minimal driveway width must be established to guarantee clearance for such vehicles.

**NOW THEREFORE**, the Town Board of the Town of Dale, Outagamie County, Wisconsin, ordains as follows:

### **Section 1: Minimum Driveway Width**

The Town of Dale does hereby reference any and all regulations, rules or laws of Outagamie County as they pertain to private driveways with the following exception, that any and all private driveways within the Town of Dale must have a minimum width of at least 20 feet in order to permit adequate clearance for emergency vehicles.

### **Section 2: Severability**

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

### **Section 3: Effective Date**

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

## TOWN OF DALE

By: \_\_\_\_\_  
Mr. Doug Wunderlich, Chairman

By: \_\_\_\_\_  
Ms. Marcia A. Kelly, Clerk

Number Voted For: \_\_\_\_\_

Number Voted Against: \_\_\_\_\_

**This Ordinance drafted by:**  
**Attorney Erik R. Forsgren**  
**Attorney for the Town of Dale**  
**716 Wolf River Drive**  
**P.O. Box 188**  
**Fremont, WI 54940**  
**920-446-3385**

**TOWN OF DALE  
ORDINANCE 6:10**

**ELECTRICAL ORDINANCE, TOWN OF DALE, OUTAGAMIE COUNTY, WISCONSIN**

The Town of Dale, Outagamie County, Wisconsin ordains as follows:

**CONTENTS**

- 1.1 Authority
- 1.2 Application
- 1.3 Adoption of Chapter SPS 316 Electrical
- 1.4 Electrical Permit Required
- 1.5 Electrical Permit Fee
- 1.6 Penalties
- 1.7 Effective Date

- 1.1 **AUTHORITY.** These regulations are adopted under the authority granted by s. 101.86(1)(a), Wisconsin Statutes.
- 1.2 **APPLICATION.** This ordinance shall apply to the places listed in SPS 316.011(1)(a).
- 1.3 **WISCONSIN CHAPTER SPS 316 ADOPTED.** Wisconsin Chapter SPS 316 Electrical, and its successors, of the Wisconsin Administrative Code, and all amendments thereto, is adopted in its entirety and incorporation by reference.
- 1.4 **ELECTRICAL PERMIT REQUIRED.** Permits shall be required for electrical wiring projects as described in SPS 316.012(1), (2), and (3).
- 1.5 **ELECTRICAL PERMIT FEE.** Fees for Electrical Permit shall be as provided for in Town of Dale Resolution 2-2019 Attachment A Building Permits Fee Schedule, or any amendments thereto.
- 1.6 **PENALTIES.** Failure to obtain an Electrical Permit prior to commencing work shall result in the doubling of the fees provided for in Paragraph 1.5 herein.
- 1.7 **EFFECTIVE DATE.** This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this 10<sup>th</sup> day of February, 2020

TOWN OF DALE

By: Doug Wunderlich, Chairman

By: Jenny DeZeeuw, Clerk

Number Voted For: 3

Number Voted Against: 0

This Ordinance drafted by:  
Attorney Erik R. Forsgren  
Attorney for the Town of Dale  
716 Wolf River Drive  
P.O. Box 188  
Fremont, WI 54940  
920-446-3385

**PLAT/CERTIFIED SURVEY MAP REVIEW APPLICATION**

**TOWN OF DALE  
P.O. BOX 83  
DALE WI 54931**

Review Fees:

**CERTIFIED SURVEY MAP**

Without Road Dedication \$300.00 + \$10.00/lot

With Road Dedication \$325.00 + \$10.00/lot

**PLAT:**

Total Fee \$300.00 + 30.00/lot & contracted actual plan review costs.

Preliminary Plat: \$200.00 + \$20.00/lot & contracted actual plan review costs.

Final Plat: \$100.00 + \$10.00/lot & contracted actual plan review costs.

APPLICANT:

NAME	ADDRESS	CITY	ZIP
TELEPHONE	FAX	E-MAIL	

LOCATION:	TAX PARCEL NUMBER	SECTION NUMBER
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SUVEYOR:

NAME	ADDRESS	CITY	ZIP
TELEPHONE	FAX	E-MAIL	

1. Fee must accompany Certified Survey Map or Plat. Payable to the Town of Dale
2. Are originals enclosed?      Yes      No
3. Ten copies of Certified Survey Map enclosed?      Yes      No
4. Five copies of Plat enclosed?      Yes      No
5. I understand that I must provide the Town with recorded copy of the plat/CSM

APPLICANT'S SIGNATURE	DATE
-----------------------	------

Date received \_\_\_\_\_      Amount Paid \_\_\_\_\_

# **TOWN OF DALE**

## **ORDINANCE 7:00**

### **ROAD SPECIFICATIONS**

**WHEREAS**, The Town Board of the Town of Dale, Outagamie County, Wisconsin having determined the necessity of requiring consistent and well suited roads in all new-developing areas of the Town does find and order the following.

The attached specifications for roads and subsequent amendments thereof to be built in the Town of Dale are fair and reasonable and are hereby made the minimum road specifications for the Town of Dale. All construction after July 14, 1998, the date of adoption of the Road Specifications Ordinance 7:00, shall comply with such specifications. All subsequent modification to the Road Specification, adopted by the Town Board shall continue at the time of commencement of construction and the most strict interpretation or version shall control at the time of commencement of construction.

# TOWN OF DALE ROAD SPECIFICATIONS

November, 1997  
Revised May 2, 2003

## I. INTRODUCTION

**1. Purpose** The purpose of these specifications is to establish minimum construction standards for public roads in the Town. These specifications shall apply to roads constructed in the Town in anticipation of acceptance by the Town as a public Town Road.

**2. Other Specifications** For the purposes of these "Specifications for Town Road Construction," the latest edition of the "State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction" shall be called the "State Specifications."

**3. Plan Approval Construction Inspection, and Project Approval** Plans shall be reviewed by the Town Board and the Town Engineer. The Town Engineer will be responsible for construction inspection and any necessary on-site decisions unless another agent is designated by the Town Board. On roads which are being constructed by private developers, the developer's engineer shall submit grade summary sheets to the Town Engineer, which show the comparison of actual field measurements to plan measurements for all subgrades, ditches, and base courses. Grades will be considered acceptable if they are between .15" low and .05" high for subgrade and between .05" low and .15" high for gravel grade. Roads will be accepted into the Town road system by the Town Board by formal action upon documentation by the Town Engineer that all improvements meet the town of Dale requirements.

**4. Construction Dates** Road construction shall take place only between May 1 and November 15 of each year or at the discretion of the Town Board.

**5. Road Classifications** Local roads are to be those with the lowest traffic count, with access to private property being their principal function. Collector roads are intended to be highways acting as collectors from local roads to higher priority roads or developed areas. The Town has no jurisdiction over arterial roads. Roads shall also be classified as residential, commercial, or industrial depending on the characteristics of traffic anticipated.

Town roads shall be classified as local residential roads, unless otherwise designated by the Town Board. Classification of roads shall be at the discretion of the Town Board and shall be based on anticipated traffic counts, character of anticipated traffic, and relation of the proposed road to traffic patterns and other highway systems.

## II. RIGHT-OF-WAY REQUIREMENTS

**1. Local Roads** Local Town roads shall have a 66 foot dedicated right-of-way. The right-of-way for cul-de-sac bulbs shall have a minimum radius of 60 feet.

**2. Collector Roads** Town collector roads shall have a 80 foot right-of-way. Collector roads shall be designed as through roads. Any termination due to phasing shall have a temporary turnaround installed.

## III. DESIGN

**1. Responsibility** In private developments, the developer's engineer is responsible for the design of the public roads. The design shall meet the site specific conditions, but in no case shall be less than the minimum standards. The Town may require higher construction standards if, in the opinion of the Town, such increased standards are warranted. Plans shall be submitted to the Town two weeks prior to the next Town Board meeting for review and action, prior to the commencement of construction.

## 2. Alignment Standards

	Residential	Commercial/Industrial
Maximum Grade (Percentage)		
Local**	10	8
Collector**	8	6

\*\*Minimum Grade 0.5%

## Minimum Centerline Radius of Horizontal Curve (in feet)

Local	100	200
-------	-----	-----

Collector	200	200
Corner Radius at Intersections (in feet)	25	30

Minimum Length of Vertical Curve:

Local 20' for each 1% algebraic difference in grade, in percent; none required for under 2% algebraic difference in grade.

Collector 50' for each 1% algebraic difference in grade.

**IV EARTHWORK**

**1. Standards** All earthwork shall comply with Part II of the “State Specifications” unless otherwise indicated by the Town.

**2. General Earthwork** shall consist of excavating, filling, and grading operations which shape the right-of-way to the appropriate cross section. The subgrade under future graveled and/or paved areas shall be free from topsoil, exposed rocks over 10” in diameter, wood, and other deleterious materials. Subgrade shall be compacted to a degree that no further appreciable consolidation is evidenced under the action of compaction equipment. Prior to the placement of crushed aggregate base course, the road contractor shall demonstrate the degree of compaction to the Town Engineer by “proof rolling” with loaded trucks or by other means acceptable to the Town Engineer.

**V CRUSHED AGGREGATE BASE COURSE**

**1. Standards** Unless otherwise specified by the Town, materials and construction for crushed aggregate base courses shall conform to Section 304 of the “State Specifications.”

**2. Gradation Requirements** Aggregates shall be well graded and conform to the gradation requirements of Section 304 of the “State Specifications” except an additional gradation shall also be included. This additional gradation shall be uniformly graded from coarse to fines with a maximum particle size of 2-1/2” – 3”.

Base courses twelve inches thick shall have 6 inches of 2-1/2”-3” stone as the bottom layer and 6 inches of 3/4” stone (Gradation NO. 2 per the State Specifications) as the top layer. Base courses fifteen inches thick shall have 9 inches of 2-1/2” – 3” stone as the bottom layer and 6 inches of 3/4” stone (Gradation No. 2 per the State Specifications) as the top layer. Base courses eighteen inches thick shall have 12 inches of 2-1/2” – 3” stone as the bottom layer and 6 inches of 3/4” stone (Gradation No. 2 per the State Specifications) as the top layer. Shoulder material used after paving shall be 3/8” crusher run (Gradation No. 3 per the State Specifications). Unless otherwise approved by the Town Engineer, base courses shall be placed in lifts with a maximum compacted thickness of 6 inches.

**3. Minimum Width and Depth** Minimum base course widths and depths per road classification shall be as indicated below. Streets with urban sections ultimately will have curb and gutter while rural sections will have ditches.

Classification	Rural Section Width (top)	Urban Section Width (top)	Urban/Rural Section Depth
Residential			
Local	28 Feet	33 Feet B-B	12 Inches
Collector	32 Feet	38 Feet B-B	15 Inches
Urban/Rural			
Classification	Rural Section Width (top)	Urban Section Width (top)	Section Depth
Commercial			
Local	28 Feet	36 Feet B-B	15 Inches
Collector	32 Feet	38 Feet B-B	15 Inches

Industrial	Local	28 Feet	36 Feet B-B	18 Inches
	Collector	32 Feet	38 Feet B-B	18 Inches
Cul-de-sac		45 Ft Radius	46 Ft Radius	Per Class

**VI. SEAL COAT (chip Sealing)**

**1. Standards** Unless otherwise specified by the Town, all seal coat materials and construction shall conform to Section 408 of the “State Specifications”.

**2. General** After the subgrade and gravel have been installed to the Town Specifications, two layers of asphaltic seal coat with a covering of aggregate (double chip seal) shall be installed. The width of the seal coat shall be the same as the gravel width. The Owner may petition the Town for a delay in chip sealing if subgrade and gravel construction is completed after August 31 or under extenuating circumstances. Chip seal shall be installed between June 15 and August 31.

**VII. ASPHALTIC PAVEMENT**

**1. Standards** Unless otherwise specified by the Town, final asphaltic paving shall be per Part IV of the “State Specifications”.

**2. General** Asphaltic pavements shall be constructed per the approved plans and specifications. Asphaltic pavements over 2 ½” thick shall be placed in two lifts, with the bottom lift being the binder course and the top lift being the surface course. Pavement design shall be submitted to the Town prior to paving and shall include mix designs and thickness for both binder and surface courses.

**3. Minimum Widths and Thicknesses** Minimum pavement widths and thicknesses per road classification shall be indicated as below Urban section roads will ultimately have curb and gutter while rural sections will have ditches (dimensions shown for pavement widths for urban sections are from back of curb to back of curb):

Classification		Rural Section Width (top)	Urban Section Width (top)	Urban/Rural section Thickness
Residential	Local	24	33 B-B	2 ½ Inches
	Collector	24	37 B-B	3 Inches
Commercial	Local	24	35 B-B	4 Inches
	Collector	24	37 B-B	4 ½ Inches
Industrial	Local	24	35 B-B	4 ½ Inches
	Collector	24	37 B-B	4 ½ Inches
Cul-de-sac		42 Ft Radius	45 Ft Radius	Per Class

**VIII. CONCRETE CURB AND GUTTER**

**1. Standards** Unless otherwise specified by the Town, concrete curb and gutter materials and construction shall conform to Pats V and VI of the “State Specifications”.

**2. General** Design of concrete curb and gutter, including mix design and specified strength of concrete, shall be included in submitted engineering plans. All curb and Gutter shall be mountable 30” curb unless otherwise required by the Town Board.

**IX. SIDEWALK**

**1. Standards** Unless otherwise specified by the Town, concrete sidewalk materials and construction shall conform to Parts V and VI of the “State Specifications”.

**2. General** Design of sidewalk, including mix design and specified strength of concrete, shall be included in submitted plans. All sidewalk shall be 4” thick, 6” thru driveways, by 5” wide sidewalk unless otherwise required by the Town Board.

**X. PIPE CULVERTS**

**1. Standards** Unless otherwise specified by the Town, materials and construction for pipe culverts shall comply with Part V of the “State Specifications”.

**2. Materials** Pipe culverts shall be made of reinforced concrete, corrugated steel, or corrugated aluminum as indicated on the approved plans.

**3. Sizing** Culverts under public roadways and at private entrances shall be designed to convey storm water from the 10 year storm flowing full and shall also be sized so that the 25 year storm does not flood the adjacent roadway. Flows for the various storms shall be determined using the TR-55 method. Submitted plans shall indicate the sizes for all culverts including the diameter of culverts for private entrances and a note depicting anticipated flow. The minimum culvert size for private entrances shall be 18 inches in diameter by 24 feet in length unless otherwise specified by the Town Board. The minimum culvert size for culverts under public roadways shall be 18 inches in diameter (21" by 15" pipe-arch is acceptable). The lengths of culverts under public roadways shall be governed by 4 to 1 ditch side slopes to the top of pipe. The depths of ditches shall be altered as necessary to provide adequate cover over the top of pipes under roadways. Endwalls shall be required on all culverts at private entrances and under public roadways.

## **VI. STORM SEWER**

**1. Standards** Unless otherwise specified by the Town, storm sewer construction shall comply with the latest edition of the "Standard Specifications for Sewer and Water Construction in Wisconsin".

**2. General** The storm sewer system shall be designed to convey the 10 year Storm. Runoff volumes shall be calculated using either the rational method or TR55. The subdivision drainage shall be designed to convey the 100 year storm via swales, streets, or other means without damage to property.

**3. Manholes** All manholes shall be standard 4' diameter precast manholes unless the depth is less than three feet, in which case the manhole may be constructed of solid concrete block with a 8" thick precast top. All storm sewer castings shall be Neenah Foundry R-1550-B or equal.

**4. Inlets** All inlets shall be 2'x3' precast inlets and shall have benches poured to the flowline of the inlet lead. All storm inlet castings shall be Neenah Foundry R-3290-A or equal.

**5. Pipes** No storm sewer pipe shall have less than 18" of cover measured from the finish grade of the road to the top of pipe. Storm sewer with less than three feet of cover shall be concrete. Storm sewer with greater than three feet of cover may be PVC. ABS or "N-12" may be used but not under the pavement.

## **XII. TOPSOIL, SEED, FERTILIZE, AND MULCH**

Terraces, ditches, and drainage swales shall at the minimum be topsoiled, seeded, fertilized, and mulched. Where expected flows are greater than 3 fps, where ditches are subjected to continuous low flow conditions, or where other conditions exist which make the establishment of vegetation difficult or impossible, ditch bottoms shall be tiled, paved, riprapped, or reinforced with geotextile fabric as determined to be appropriate by the Town. These areas shall be shown on the plans submitted for approval.

Where terraces, ditches, and drainage swales are to be seeded, a minimum of 4 inches of topsoil shall be placed. Topsoil salvaged during construction may be used for this purpose. Fertilizer shall be formula 13-25-12 nonburnable type and shall conform to state fertilizer laws. Fertilizer shall be applied at a rate of 7 pounds per 1000 square feet. Seed mixtures shall conform to the following:

Species	Purity	Germination	Mixture Proportion%
Kentucky Bluegrass	85	85	40
Creeping Red Fescue	97	80	30
Red Top	92	85	10
Perennial Ryegrass	95	90	
White Clover	95	90	

Seed shall be applied at a rate of 5 pounds per 1,000 square feet. Weed free mulch, hay, or straw mulch shall be placed to a depth of 1: to 1 1/2" and shall then be crimped. Mulch shall be placed within three days after seeding has been completed. All bare or sparse areas shall be reseeded.

## **XIII. SIGNAGE**

All traffic control signs shall conform to the manual on uniform traffic control devices, latest edition. All street signs shall conform to the existing street signage in size, colors, font, and pattern, that exist within the Town at the time of construction or as specified by the Town Board.

# **TOWN OF DALE ORDINANCE 7:01**

## **ROAD CONSTRUCTION AND INSPECTION**

**WHEREAS**, The Town Board of the Town of Dale, Outagamie County, Wisconsin ordains as follows:

That from the effective date of this Ordinance onward, any road or roadway construction in the Town of Dale shall meet all requirements put forth in Ordinance 7:00 Road Specification.

Any roadway contemplated as being dedicated to the Town of Dale, Outagamie County, Wisconsin either in an approved plat or in unplatted lands, shall be inspected prior to acceptance by the Town of Dale Engineer. He/she shall determine if the materials used in the construction of the road meet all County and Town specifications. In addition, he/she shall determine if it is of a proper width and further determine that the condition of the surface is ready for any permanent pavement, whether it is provided by the town or the owner. To enforce this requirement, the Town Board does further ordain that no building permits shall be issued for any buildings that are to be built on the lots or parcels served by the proposed road or roadway until such inspection is made and written approval has been received from the Town of Dale Engineer.

# **TOWN OF DALE ORDINANCE 7:02**

## **CERTIFIED SURVEY MAP REQUIREMENTS**

**THE TOWN OF DALE PLANNING COMMISSION AND THE TOWN BOARD OF SUPERVISORS WILL REVIEW AND APPROVE ALL CERTIFIED SURVEY MAPS OF REAL PROPERTY WITHIN IT'S JURISDICTION.**

**THE FOLLOWING CONDITIONS WILL APPLY:**

### **SECTION 1- PURPOSE**

The purpose of this ordinance is to supplement the provisions of Chapter 236 of the Wisconsin Statutes and to further the orderly layout and use of land: to insure Town Comprehensive Plan, Town Official Map and Town ordinance compliance. To facilitate the provision for roads, water, sewerage, schools, parks, playgrounds and other public requirements: to secure safety from fire, panic and dangers; to conveyancing by accurate legal description.

### **SECTION 2- INTERPRETATION**

The provisions of this ordinance shall be liberally construed in favor of the Town; to provide the best possible environment for human habitation and to encourage the most appropriate use of land; and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin statutes.

### **SECTION 3 - CERTIFIED SURVEY MAP REQUIREMENTS**

As, required by Outagamie County Zoning, a Certified Survey Map (CSM) shall be required for all newly created parcels of land where the act of division will create up to and including four new lots, parcels or tracts, from the parent parcel. A Certified Survey Map (CSM) shall also be required for all public dedications. No land included in any street, highway or railroad right-of-way or out-lot shall be included in computing the lot area. All divisions of over four parcels shall follow the requirements of the Town of Dale Subdivision Ordinance 7.05.

Certified Survey Maps, (CSM's) with road construction involved will proceed as follows:

1. The Town Planning Commission and the Town Board will approve the Certified Survey Map (CSM) contingent on the execution of a Roadway Developers Agreement, (available online or from the Town Clerk).
2. Submit payment of the road escrow funds.
3. Construction will proceed after approval.
4. After the completion of the construction, the Town Board will review and accept the construction provided all of the conditions are fulfilled.

A Sub-divider will incur additional meeting fees if special Planning Commission and Town Board Meetings are requested to expedite the sub-dividers request.

#### **SECTION 4 – PROCEDURES**

A sub-divider seeking approval from the Town of Dale shall proceed as follows:

- A. Contact the town clerk to be placed on the Planning Commission agenda. This must be done at least 10 days prior to the Planning Commission meeting.
- B. The sub-divider shall provide the Town with a reasonably accurate preliminary map of the land being considered for division. It may be a free hand drawing, but sufficient scale so that it can be reviewed for proximity to adjacent streets, schools, etc., for analysis of soil types, topography drainage, and for the effect the land division would have on the future development of surrounding property. The map of the proposed land division must accompany the request to be placed on the agenda.
- C. The sub-divider or a representative shall appear at the Planning Commission meeting to discuss the land division.
- D. The map shall be reviewed by the Town of Dale Planning Commission for conformance with this Ordinance and all Ordinance rules, regulations, Comprehensive Plans and Comprehensive Plan components that affect it. After tentative Town approval as to a general land division, the sub-divider shall proceed to have a Certified Survey Map prepared. The Certified Survey map (CSM) shall be prepared in accordance with the provisions contained in chapter 236 of the Wisconsin Statutes and this ordinance. The petitioner shall file ten (10) copies of the Certified Survey Map along with an application form (available on line or from the Town Clerk), accompanied by a filing fee (On record in the Town Clerk's office). This shall be done at least 10 days prior to the Planning Commission Meeting.
- E. The Planning commission will review the Certified Survey Map (CSM) and subject to any revisions, will grant final approval.
- F. The Town Board will review the Certified Survey Map (CSM) at the next scheduled Town Board meeting and if approved will sign the original Certified Survey Map (CSM) if no road construction is involved. The Certified Survey Map (CSM) shall be recorded with the County of Register of Deeds. When a Certified Survey Map (CSM) has been recorded, the parcels of land in the map may be described by reference to the number of the survey, the volume and page where recorded and the name of the county. Any land or improvements offered for dedication and approval by the governing agency accepting the dedication shall be deeded at the time of recording, unless otherwise arranged. **A recorded copy of the Certified Survey Map (CSM) shall be returned to the Town of Dale.**

#### **SECTION 5- TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY MAPS**

A Certified Survey Map shall comply with the requirements of Section 236.34, Wisconsin Statutes, and this ordinance shall include the following information:

Every Certified Survey Map shall show prominently near the top of the first page the quarter-quarter section government lot or private claim section, township and range, name of town and county or, if part of a recorded subdivision of Certified Survey Map, the name of the recorded subdivision or Certified Survey Map volume and number, town and county.

The following shall appear on the face of the Certified Survey Map, which confirms substantially to the following:  
A certificate showing that this Certified Survey Map has been reviewed by Dale Town Board & Outagamie County Planning Department (Signed and Dated by Reviewer).

If land to be dedicated to the public is included within the Certified Survey Map, then a certificate of acceptance by the Town Board, signed by the Clerk and Chairperson, shall appear on the face of the Certified Survey Map. The area of such dedication in square feet or acres shall be shown within the dedication.

A north arrow, scale, legend and symbols, bearing and distance of each line, lot numbers and area in square feet and acres and existing and proposed easements. A Statement shall appear on the face of the Certified Survey Map that conforms substantially to the following: "A certificate this Certified Survey Map is (a portion of or all of) tax parcel number(s) \_\_\_\_\_. The property owner(s) of record is/are \_\_\_\_\_. The Certified Survey Map is contained wholly within the property described in the following recorded instruments(s) \_\_\_\_\_.

All existing structures.

The location, right-of-way width, and name of all existing and proposed highways, streets, alleys, or other public ways. Location of section quarter, sixteenth, government or private claim lines that are within 50 feet of the exterior boundary of the Certified Survey Map.

Location and names of any subdivision, Certified Survey Map, existing property lines, and of abutting unplatted land contained in or within 50 feet of the exterior boundary of the Certified Survey Map.

Locations of any corporate limit lines within 50 feet of the exterior boundary of the Certified Survey Map.

All existing driveways and access points. If the Certified Survey Map abuts any highway where noise control standards have been developed, a statement that substantially conforms to the following shall appear on the face of the Certified Survey Map: "The Division of Highways hereby informs the developer and Outagamie County that lots nears (highway name) may experience a noise level above those listed in Wisconsin Administrative Code Chapter 405. Consideration should be given to providing noise abatement measures sufficient to protect these lots.

All stream and other water bodies located within the shore land jurisdiction of the Certified Survey Map boundary shall be shown. A building setback line and distance shall also be shown.

All wetland areas within the Certified Survey Map that are regulated through the Shore land Zoning Ordinance shall be shown. All areas that have been designated flood plain shall also be shown and labeled. The source of the flood plain determination shall be stated on the Certified Survey Map.

Any proposed lake or stream improvement or relocation and proposed filling, grading, lagooning and dredging within the boundaries of the Certified Survey Map.

If any Certified Survey Map will result in the creation of a buildable lot or lots which are adjacent to property used for agricultural purposes (ie., a farm operation), or for nonmetallic mining, (ie., a quarry operation), commercial use (ie., business) then the Sub-divider shall place on the face of the Certified Survey Map a statement clearly disclosing this fact. The disclosure language shall be subject to the review and approval of the Town of Dale.

All four lot Certified Survey Maps (CSM) using a single parent parcel shall include a statement which indicates that no future lots may be created from the lands described by use of Certified Survey Map.

## **SECTION 6- DESIGN STANDARDS**

### **A. LOTS**

The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an architectural setting for the building contemplated.

**Lot Lines:** Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

**Double and Reversed Frontage Lots:** Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

**Access:** Every lot shall front or abut a public street and have direct vehicular access to that public street. Direct access does not include the use of easements.

**Lot Area and Dimensions Unsewered Area Lot Size:** The minimum lot size shall be 1.25 acres.

**Lot Area And Dimensions Sewered Area:** The minimum lot size in sewered areas shall be .75 acres unless curb and gutter and storm sewer are provided, in which case, the minimum lot size maybe reduced to.5 acre.

**Depth:** Lots shall be designed with a suitable proportion between width and depth. Neither long, narrow, nor wide shallow lots are desirable. The use of Flag Lots is prohibited, except to overcome specific topographic or environmental restrictions.

**Width of Lots:** All lots must have a minimum of 100' of road frontage and have 100' of width, through the proposed building area of the lot. Cul-de-Sac lots may have a minimum of 60' road frontage, but shall follow the 80' requirement through the building area.

**Corner Lots:** Corner lots shall be designed with extra width to permit adequate building setback from both streets.

**Buffer Requirements:** Berms, fences and plantings may be required to enhance the quality of the development.

## **B. BUILDING SETBACK LINES**

Building setback lines shall conform to the requirements of the Outagamie County Zoning Ordinance. The provisions in the Outagamie County Ordinance shall apply for lots in the shore land area.

## **C. EASEMENTS**

Where a land division is traversed by a watercourse, drainage way, or stream, an adequate drainage way or easement may be required to handle storm water runoff. The location, width, alignment, and improvement of the drainage way, or easement shall be approved by the Town Board.

# **SECTION 7-VIOLATIONS, PENALTIES, APPEALS AND VARIANCES**

## **A. VIOLATIONS**

No person shall build upon, divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes and no person shall be issued a County sanitary permit and/or a building permit authorizing the building on or improvements of any land division within the jurisdiction of this Ordinance and not on record as of the effective date of, this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

## **B. PENALTIES**

Any person that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, be subject to a penalty as provided for in section 25.04 of this Code of Ordinances.

Recordation improperly made shall be subject to the penalties provided in for 236.30, Wisconsin Statutes.

Conveyance of parcels in unrecorded Certified Survey Map shall be subject to the penalties as provided for in section 236.31, Wisconsin Statutes.

Monuments disturbed or not placed shall be subject to the penalties as provided for in section 236.32, Wisconsin Statutes.

## **C. APPEALS**

Any person aggrieved by an objection to a Certified Survey Map or failure to approve a Certified Survey Map may appeal there from as provided for in sections 236.13(5) and 62.23(7), (10), (15), Wisconsin Statutes.

**D. VARIANCES**

If a sub-divider can show that, by reason of exceptional topography or other physical condition, strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional and undue hardship, the Town Board may relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance or the desirable general development of the Town. A majority vote of the entire membership of the Town Board shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Town Board, setting forth the reasons, which in the opinion of the Town Board, justified the modification. No variance shall be granted by the Town, which is contrary to provisions of the Wisconsin Administrative Code, the Wisconsin Statutes, or Outagamie County Ordinances.

**SECTION 8 - SEVERABILITY**

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

A copy of this enacted ordinance, shall be submitted to Outagamie County, to the Outagamie County Zoning and Planning agencies, and to local engineering and survey firms, so as to inform these agencies, surveyors and firms of the continuing requirement for Town approval of all certified survey maps.

Adopted this   14th   day of   October  , 2013

TOWN OF DALE TOWN BOARD

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Clerk

# **TOWN OF DALE ORDINANCE 7:03**

## **REQUIRING THE SIGNING OF A ROADWAY AGREEMENT**

**WHEREAS**, public purposes is served by the orderly, controlled and safe development of real estate within the Town of Dale.

**NOW THEREFORE**, the Town Board of the Town of Dale, does ordain as follows:

### **SECTION 1 - DEFINITIONS**

- A. "Roadway Agreement" means that certain Roadway Agreement and any subsequent amendments thereto, as adopted by the Town of Dale Town Board.
- B. "Developer" means any individual, corporation, partnership, or any other entity engaged in the development of real property.

### **SECTION 2 – REQUIREMENT**

Any Developer developing real property within the Town of Dale is hereby required to enter into a Roadway Agreement as provided for by the Town of Dale prior to the final approval of the Preliminary Plat. Said Roadway Agreement shall be available at the Town Clerk's office upon request by Developer.

### **SECTION 3 – PENALTY**

Any person adjudged in violation of any provision of this Ordinance shall forfeit no less than Fifty Dollars (\$50.00 and no more than One Thousand Dollars (\$1,000.00) for each violation per day, plus costs of prosecution. Each day on which work is done by Developer without a signed Roadway Agreement shall constitute a separate offense.

### **SECTION 4 – SEVERABILITY**

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

# ROADWAY DEVELOPMENT AGREEMENT

**AGREEMENT** dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ and between \_\_\_\_\_, hereafter referred to as “Developer”, and the Town of Dale, a Wisconsin municipal corporation located in Outagamie County, Wisconsin, hereafter referred to as “Town”.

**WHEREAS**, Developer intends to improve and develop certain real estate located within the municipal boundaries of Town.

**WHEREAS**, Developer acknowledges that a public purpose is served for the general welfare of all residents of the Town of Dale so as to improve and develop roads within Town in accordance with Town specifications; and

**WHEREAS**, Developer agrees to be bound by the terms and conditions of Town’s ordinances and written policies in constructing such roads.

**NOW THEREFORE, BE IT AGREED** by and between Developer and Town as follows:

1. Developer agrees to be bound by the ordinances and written policies duly enacted by Town, specifically with respect to the construction of roads. Any and all such ordinances and written policies are incorporated by reference in this instrument, specifically including Section 7 of the Ordinances for the Town of Dale, the standards and specifications for public roads. Developer acknowledges receipt of all town ordinances and written policy regarding construction of public roads, contemporaneous with the execution of this Development Agreement.
2. Developer agrees to be bound by the ordinances and written policies duly enacted by Outagamie County, specifically with respect to construction of roads, including, but not limited to, street design standards. Any and all such ordinances and written policies are incorporated by reference in this instrument.
3. Prior to the final Plat or CSM approval, Developer agrees to deposit with Town an amount of money equal to one hundred percent (100%) of the road costs including paving costs. This deposit shall be made in the form of cash, held in escrow by Town, or in the form of an irrevocable letter of credit, from Developer’s bank pledged to Town. Developer may make a written request of Town for a reduction in the funds escrowed, or a reduction in the irrevocable letter of credit, in proportion to the amount of work completed and approved, provided all appropriate lien waivers have been received by Town from Developer’s contractor. Said reduction shall not reduce the escrow of the paving costs. Said escrow funds or irrevocable letter of credit shall be returned and/or terminated upon the completion of all such road construction, and upon the approval of same by the appropriate Town representative. For purposes of this paragraph, “completion of all road construction” shall include but not be limited to, erosion control, topsoil stripping, subgrade construction, gravel construction, and topsoiling seeding fertilizing and mulching, paving, and the erection of appropriate signs.
4. Developer agrees to work in conjunction with Town and its representative, including Town’s engineers, in constructing any and all roads within Town.
5. Attached hereto, identified as Exhibit “A”, is a list of the roads to be constructed by Developer within Town in Developer’s project known as \_\_\_\_\_. The estimated cost for constructing these roads is \$\_\_\_\_\_. As a result, contemporaneous with the execution of this Agreement, Developer is depositing the sum of \$\_\_\_\_\_, which represents one hundred percent (100%) of the road costs including paving costs identified on Exhibit “B” attached hereto.

6. This Agreement shall be construed in accordance with the laws of the State of Wisconsin.
7. This Road Construction Agreement is a binding contract between Developer and Town, with appropriate signatures as set forth below. In the event that Developer is a corporation, execution of this instrument in any corporate capacity shall also constitute a personal guarantee of such individual for the financial obligations of Developer pursuant to this Agreement. Such personal guarantee is non-dischargeable in any bankruptcy proceeding.
8. This Road Construction Agreement shall be a covenant running with the land of the Developer, with the legal description of said property attached hereto and marked as Exhibit "C". This Road Construction Agreement shall be binding upon the assigns, successors, heirs, beneficiaries and any other party which subsequently owns a part of or all of the real estate property of Developer by any fashion whatsoever, subsequent to the date of the execution of this Road Construction Agreement. This Agreement may be filed with the Outagamie County Register of Deeds in the sole and exclusive discretion of Town, and shall be a covenant running with the land as set forth in the attached legal description, identified as Exhibit "C".
9. Final construction of the entire street project shall be completed on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.
10. Developer shall pay to Town, at the time this Agreement is signed, Nine Hundred Fifty Dollars (\$950.00) for anticipated engineering fees to be incurred by Town in accordance with its review and monitoring of this road construction project and Agreement. A pro-rated refund shall be afforded to Developer if all engineering fees are not incurred in the review and monitoring of this road construction project. In the event, that engineering fees for the Town regarding this project exceed the retainer payment described in the first sentence of this paragraph, then it is specifically agreed by Developer that any and all further fees and expenses incurred by the Town's engineer shall be paid within seven (7) days of receipt of a final statement for services from the Town's engineer.
11. Final paving in accordance with this Road Construction Agreement shall occur in any subdivision when fifty-one percent (51%) of lots within said subdivision are issued building permits. This general rule may be modified in the sole and exclusive discretion of the Town Board of Supervisors of the Town of Dale, depending on the facts which may exist to each such unique road construction project.
12. Prior to Town accepting proposed roadway improvements, Developer's engineers shall submit a letter documenting that the road has been constructed in accordance with Town's specifications. Developer may have the Town engineer document the construction, in which case the Town engineer shall submit a letter documenting that the road has been constructed in accordance with Town specifications. If Developer does want the Town engineer to provide this inspection, Developer shall notify the Town engineer of same prior to commencing construction.
13. It is specifically acknowledged by Developer that the approval of the dedication of certain land, pursuant to a certified survey map or plat, for road purposes is merely acceptance of the land for said purposes, and does not equate to acceptance of the actual road itself for construction purposes. Acceptance of land dedication does not connote acceptance of the constructed road.
14. No building permits will be issued to Developer, Developer's assigns, successors, heirs, beneficiaries, or any other party which subsequently owns a part of, or all of, the real estate property of Developer, by any fashion whatsoever, until such time as Town accepts, by formal resolution at a regularly scheduled meeting of the Town Board, all roadway improvements subject of this Agreement.

A copy of such resolution evidencing the aforementioned acceptance will be provided to all interested parties upon request to the Town Clerk.

**IN WITNESS WHEREOF**, Developer and Town subscribe their respective signatures on the date first set forth above.

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**DEVELOPER**

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**CHAIRPERSON**

**Attest** \_\_\_\_\_

**CLERK**

**TOWN OF DALE  
OUTAGAMIE COUNTY, WISCONSIN  
RESOLUTION**

**WHEREAS**, \_\_\_\_\_ (hereinafter referred to as “developer”) entered into the Development Agreement with the Town of Dale (hereinafter referred to as “Town”), said Agreement being dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**WHEREAS**, developer has constructed and completed all roads covered by said Development Agreement in accordance with Town standards and requirements;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Dale hereby accepts all roads covered by the aforementioned Agreement as Town roads in the Town of Dale, Outagamie County, Wisconsin.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Clerk

# **TOWN OF DALE ORDINANCE 7:04**

## **RIGHT OF WAY FOR PUBLIC ACCESS**

**WHEREAS**, The Town Board of the Town of Dale ordains as follows:

**WHEREAS**, certain landowners in the process of conveying various sizes of real estate parcels to provide long driveways to those parcels and then provide access to said parcels either by an ingress-egress easement or by outright ownership or joint ownership, and

**WHEREAS**, these driveways are then later considered as private roads for access to other parcels of real estate being sold by the same land owner or his successor in interest, and

**WHEREAS**, at a later time, these driveways are projected as public roads and are offered to the Town of Dale as public roads, and

**WHEREAS**, said driveways as offered are not up to the specifications of the Town of Dale for base materials and paving, nor are they acceptable width for a Town Road,

**NOW THEREFORE, IT IS ORDERED** that any such private drives or accesses in the future that exceed two hundred (200) feet in length must be at least sixty-six (66) feet in width, and if they are to be offered to the Town of Dale as a public road they must meet all of the Town specifications for base materials and paving, as well as the width.

No private road will be considered for acceptance prior to the meeting of these conditions and requirements.

### **SEVERABILITY**

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

# TOWN OF DALE ORDINANCE 7:05

## SUBDIVISION ORDINANCE

### SECTION 1 INTRODUCTION

To facilitate the best possible understanding by those who intend to Plat and develop land within the Town of Dale, this Subdivision Ordinance is based on the Outagamie County Subdivision Ordinance that went into effect on May 20, 1997, and all subsequent revisions. The County Ordinance is being used as the basis for the Town of Dale Subdivision Ordinance because all platting in the Town must be consistent with appropriate Outagamie County regulations.

#### A. AUTHORITY & APPLICABILITY

The provisions of this ordinance are adopted by the Town of Dale Town Board who has adopted Village Powers pursuant to the authority granted by Chapters 61 & 236, Wis. Statutes. This ordinance shall require a Subdivision Plat to create new subdivisions in the Town of Dale.

#### B. TITLE

This ordinance shall be known as, referred to, or cited as the "Subdivision Ordinance, Town of Dale, Wisconsin".

#### C. PURPOSE AND INTENT

This ordinance is intended to regulate and control the division of land for the purpose of a subdivision within the Town of Dale for the following purposes

1. To promote public health, safety, and general welfare.
2. To further the orderly layout and use of land.
3. To prevent the overcrowding of land.
4. To minimize congestion on the streets and highways.
5. To provide for adequate light and air quality.
6. To facilitate adequate provisions for water, sewer, and other public requirements.
7. To provide proper ingress and egress.
8. To ensure proper monumenting of subdivided land and conveyancing by accurate legal description.

This ordinance is to be construed broadly in favor of the purposes and goals of the current Smart Growth Comprehensive Plan adopted by the Town of Dale on April 10, 2001 and any amending thereto . Further, all requirements of this ordinance shall be in addition to and shall be equal or in addition to any requirements of the State of Wisconsin and Outagamie County, or any other regulatory body.

#### D. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

#### E. INTERPRETATION

The interpretation, application, and the provisions of this ordinance shall be held to be the minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

## **F. JURISDICTION**

The jurisdiction of this ordinance shall include all lands within the Town of Dale.

## **G. COMPLIANCE**

No land shall be divided within the jurisdictional limits of these regulations which results in a land division as defined herein; no such land division shall be entitled to record; and no improvements shall be made to the land without compliance with all requirements of this Ordinance, and:

1. Town Comprehensive Plans as approved by the Town Board action.
2. Applicable local ordinances, plans and policies.
3. Current Outagamie County Regulations.
4. The provisions of Chapter 236, Wis. Statutes.

## **SECTION 2 GENERAL PROVISIONS**

### **A. RULES**

In this ordinance the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise,

1. Words used in the present tense shall include the future and words used in the future tense shall include the present tense.
2. Singular number shall include the plural number and the plural, the singular.
3. The word "shall" is mandatory and not discretionary.
4. The word "may" is permissive.
5. The masculine gender includes the feminine and neuter.

### **B. DEFINITIONS**

**ALLEY** - A public or private right-of-way which provides secondary access to abutting properties.

**ARTERIAL STREET** - A street used or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways, highways, and expressways.

**BLOCK** - A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.

**BUILDING** - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

**BUILDING SETBACK LINE** - A line parallel to the street line or waterline, defined by of the Outagamie County Zoning Ordinance beyond which buildings may not be erected.

**CERTIFIED SURVEY MAP** - As defined in chapter 236.34, Wisconsin Statutes.

**COLLECTOR STREET** - A street intended to provide both land access service and traffic circulation. They also collect traffic from minor streets and channel it onto the arterial street system.

**COMPREHENSIVE PLAN** - Means the "Town of Dale Land Use And Development Plan," for the development of the Town of Dale, adopted according to statute and including any amendment to such plan, which is now in effect.

**DEVELOPMENT** - Any man-made change to the land including, but not limited to, construction, additions to existing buildings, other structures, mining, dredging, filling, grading, or paving.

**IMPROVEMENT, PUBLIC** - Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.

**LAND DIVISION** - The dividing of land, which results in a subdivision, replat or Certified Survey Map.

**LOT** - A buildable parcel of land represented and identified in a land division as defined herein and in accordance with the Outagamie County Code.

**LOT, CORNER** - A lot abutting 2 or more streets at their intersection provided the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

**LOT, FLAG** - A lot which consists of a long narrow access area leading to a larger parcel of land. The access resembles a flagpole, its width is less than the minimum lot width for that specific zoning district, and the larger buildable area resembles a flag. Flag lots are defined as having a depth greater than three times the lot frontage on the public right-of-way.

**LOT, THROUGH** - A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

**MINOR STREET** - A street used or intended to be used primarily for access to abutting properties.

**OUTLOT** - A parcel of land not intended for immediate development, so designated on the plat, replat or Certified Survey Map.

**PARENT PARCEL** – The existing parcels of record, as identified by individual tax parcel numbers, as of May 20, 1997.

**PLATTED LANDS OR PLAT** - The division of a lot, parcel, or tract of land by a subdivider where the division creates 5 or more new lots or building sites from the original parcel by successive division.

**PRELIMINARY PLAT** - A map showing the salient features of a proposed subdivision submitted to the Town of Dale for purposes of preliminary consideration so described in section B of this ordinance.

**PUBLIC WAY** - Any public road, street, highway, walkway, drainageway, or part thereof.

**REPLAT** - The process of changing, or the map or Plat which changes, the boundaries of a recorded subdivision Plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision Plat without changing exterior boundaries of said block, lot, or outlot is not a replat.

**SUBDIVIDER** - Any person, corporation, partnership, association, individual, firm, trust, or agent acting on the seller's behalf thereof dividing or proposing to divide land resulting in a land division.

**SUBDIVISION** - This shall include all divisions of existing parcels, whether by Plat or by Certified Survey Map.

**SURETY BOND** - A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if such contract or obligation is unfulfilled by the subdivider.

**TOWN** - Refers to the Town of Dale.

**TOWN CLERK** - Refers to the Town of Dale Town Clerk.

TOWN PLANNING AGENCY - The Town of Dale Planning Commission and/or the Town Board of Dale.

TOWN PLANNING COMMISSION - Refers to the Town of Dale Planning Commission.

### **C. LAND SUITABILITY**

No land shall be developed which has been determined to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

1. All areas mapped as Floodway by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources or other public or private entity and incorporated into the County Floodplain Ordinance.
2. All areas mapped Wetland by the Wisconsin Department of Natural Resources (DNR) and depicted on the Wisconsin Wetlands Inventory Maps.
3. All areas within 75 feet of the ordinary high-water mark of navigable streams, as identified on the United States Geological Survey 7.5 minute quadrangle maps.
4. All areas having slopes steeper than 20 percent.
5. As of May 11, 2001 all land deemed environmentally sensitive land shall remain environmentally sensitive.

## **SECTION 3 PROCEDURES FOR DIVIDING LAND**

### **A. SUBDIVISION**

When it is proposed to divide land into five (5) or more lots or building sites by successive division, or where a road is created, the owner/option holder shall subdivide in accordance with the following procedures:

1. Initial consultation: The subdivider shall have an initial consultation with the Town Planner/Engineer, the Town Planning Commission, Town Board of Dale, and other appropriate County and Regional Planning Agencies, before proceeding with Platting procedures. The purpose of these consultations is to inform the subdivider of the parameters, regulations, and policies in regard to the following issues:
  - a) Suitability of the site for development.
  - b) Accessibility of the site.
  - c) Availability of public facilities (sewer, school, parks, water, etc.) and public services (police, fire, etc.).
  - d) Soil conditions and drainage patterns.
  - e) The effect of the proposed development on any contemplated improvements.
  - f) Zoning of the site and regulations that apply.
2. Submittal of Sketch Plan: In the initial Town Planning Commission meeting, the subdivider shall submit a concept plan on a topographic survey map indicating the nature of the above conditions. The initial concept plan should take into account the intent of this ordinance as well as any other reviewing agencies comments obtained in contacts with the appropriate agencies. A second meeting may be required if the concept plan needs to be significantly altered to meet the criteria identified in this ordinance.

The sketch plan will be reviewed as it relates to:

- a) Topography, based on a U.S.G.S. Quadrangle map.
- b) The improvements, designs, dedications, or reservations required by these regulations
- c) Continuity to existing development within 300 feet of all boundaries.
- d) Regulations as set down by Chapter 236 of the Wisconsin Statutes.
- e) Regulations established under Comm 83 of the Wisconsin Administrative Codes.
- f) Regulation established under Chapter 33 of the Wisconsin Administrative Code as it relates to highway regulations,
- g) Applicable County Codes.
- h) Consistency with the Town's Comprehensive Plan and any other Town ordinances and policies.

- i) For property within the Dale Sanitary District, the proposed Plat will be consistent with the plans for providing sanitary sewer service within the District. For parcels partially in the Dale Sanitary District, the remaining parcel must be annexed to the District as a condition of land division if it is economically feasible to serve the remnant
  - j) When a Plat includes an existing Town Road, the Plat shall dedicate the right-of-way to the Town.
3. Fees: The subdivider shall pay all current and past fees, on record at the Town of Dale Clerk's office at the time of submittal of the preliminary plat. See Fee Schedule Table, which is available in clerk's office.

#### **B. PRELIMINARY PLAT REVIEW**

The subdivider shall file a Developers Agreement, twenty (20) copies of the Preliminary Plat, four (4) copies of the Drainage Plan and an application form (available from the Town Clerk), accompanied by a filing fee (on record in the Town Clerk's office). Said filing must occur with the Town Clerk at least thirty (30) days prior to the Town Planning Commission meeting. The subdivider should also file a copy with the utility companies having jurisdiction over the subject area so that required easements can be determined. A subdivision within the Dale Sanitary District and Sewer Service Area must be served by the Town of Dale Sanitary District. A subdivision in the Dale Sanitary District but not in the Sewer Service Area shall be put into the Sewer Service Area prior to development and then must be served by the Town of Dale Sanitary District.

The County Zoning Committee, the State Department of Transportation, the Department of Administration Plat Review, and the State Department of Commerce shall be herein after referred to as objecting agencies. The objecting agencies shall, within thirty (30) days of the date of receiving their copies of the Preliminary Plat, notify the Town and subdivider of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return said copy to the Town of Dale. If an objecting agency fails to act within thirty (30) days, it shall be deemed to have no objection to the plat.

The Preliminary Plat shall be reviewed by the Planning Commission for conformance with this ordinance and all other ordinances, rules, regulations, and Town of Dale Comprehensive Plan. The Town Planning Commission shall review the proposed Plat and submit a written report reflecting the following as a minimum:

1. A recommendation for approval or rejection, including a tally of votes.
2. A recommendation for tabling for further information, including a tally of votes.
3. Specific requests for information to be secured by the Town Board, or by the Planning Commission, including any suggested sources of information and methods of securing information.
4. For any of the above, a written statement or explanation as to the general consensus for the action. A written record of any Commission dissent is encouraged.
5. Any other information deemed helpful and appropriate by the Town Planning Commission.
6. All of the above shall explain and demonstrate the application and consideration of the Town Comprehensive Land Use Plan, this ordinance and those factors set forth in section 236.13, Wis. Stats, or its successor and any other ordinance of the Town of Dale, including but not limited to any ordinances relating to building or development of roads within the Town of Dale.

The preliminary plat shall then be forwarded to the Town Board with a recommendation for approval or rejection. The Town Board is hereby designated as approving authority for all Preliminary Plats. The Town Board shall approve, reject, or table any Plat based upon the recommendation as outlined above and upon its independent review of the factors set forth in this section. The Town Board may request additional information or approve conditioned upon execution of specific terms and conditions, consistent with the factors in this section.

Within ninety (90) days of the date of filing the Preliminary Plat with the Town Clerk, the Town Board shall approve, approve conditionally, or reject such Plat, in accordance with Section 236.11 (1) of the Wisconsin

Statutes. Failure of the Town Board to act within ninety (90) days shall constitute an approval. One copy of the Plat shall be returned to the subdivider with the date and action endorsed thereon. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. A copy of the plat and letter shall be filed in the Town Clerk's office.

Approval or conditional approval of the Preliminary Plat by the Town Board shall be deemed an expression of approval or conditional approval of the layout. The petitioner can take this initial approval as a guide to the preparation of the Final Plat, which will be subject to further Town Board consideration at the time of its submission.

Approval of the Preliminary Plat does not authorize the subdivider to proceed with installation of site improvements nor does it authorize the sale of lots.

Approval of the Preliminary Plat or any time extension thereof may be revoked upon written notice where the Town Board finds that a material change in conditions has occurred affecting the proposed subdivision. Such conditions may include new information regarding the physical conditions of the site or proposed public works that would adversely affect, to a substantial degree, public health, safety, or welfare.

### **C. FINAL PLAT REVIEW**

The subdivider shall file ten (10) copies of their Final Plat along with an application form (available from the Town Clerk). Said filing must occur with the Town Clerk at least ten (10) business days prior to the Town Board Meeting.

The Final Plat, may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat that the subdivider proposes to record, at that time. If a Final Plat is submitted for any portion of the remainder of the land included in the approved Preliminary Plat, the Town Board may require a resubmission of said portion as a new Preliminary Plat in accordance with Section 3 C.

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approval and objecting agencies of any objection. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

If the Final Plat is not submitted within twelve (12) months of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat and may require the subdivider to resubmit a Preliminary Plat subject to Section 3 C.

Following a recommendation from the Town Planning Commission, the Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Clerk, approve or reject such Plat in accordance with Section 236.11(2) of the Wisconsin Statutes, unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider with a copy to the Town Planning Commission.

Failure of the Town Board to act within sixty (60) days, with no time extensions, and no unsatisfied objections having been filed, shall cause the plat to be approved.

### **D. RECORDATION**

Following Final Plat approval by the Town Board and required improvements either installed or a contract and sureties insuring their installation are filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds. Within thirty (30) days from the date of the last approval, the subdivider shall record the Plat in the Outagamie County Register of Deeds office. The Developer shall provide the Town with a copy of the recorded Plat.

- E. with Section 236.36, Wisconsin Statutes, a replat of all or any part of a recorded subdivision which does not alter areas previously dedicated to the public may be made by complying with Section 3 A through Section 4 B of this Ordinance. When a proposed replat involves alteration or vacation of areas previously dedicated to the public, the subdivider shall vacate or alter the recorded Plat in accordance with Sections 236.40 through 236.44, Wisconsin Statutes.

#### **F. CERTIFIED SURVEY MAP**

A Certified Survey Map is required:

When it is proposed to divide a block lot or outlot into two (2) lots or building within a recorded subdivision Plat without changing the boundaries of said block, lot, or outlot. The provisions of the Town of Dale Certified Survey Map ordinance shall apply.

### **SECTION 4 TECHNICAL REQUIREMENTS FOR PLATS**

#### **A. PRELIMINARY PLAT REQUIREMENTS**

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

1. Title under which the proposed subdivision is to be recorded.
2. Legal description and general location of proposed subdivision and relative location to a nearby municipality.
3. Date, scale and north arrow.
4. Names and addresses of the owners, subdivider and land surveyor preparing the plat.
5. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of the area is proposed for immediate development. The Town Planning Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undue hardship would result from strict application thereof.
6. Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
7. Contours at vertical intervals of not more than two feet, where the slope of the ground surface is less than 10 percent and of not more than 5 feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on mean sea level datum or wherein the judgment of the Town Planning Commission undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
8. Water elevations of adjoining lakes and streams at the date of the survey, approximate high and low water elevation, and FEMA's 100 year floodplain, elevation, all referred to the same datum used for the contours.
9. Location, right-of-way width, and name of all existing and proposed streets, alleys, or other public ways, easements, railroad, and utility right-of-way, and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
10. Locations and names of any subdivisions, parks, schools, cemeteries, and owners of record of abutting lands
11. Type, width and elevation of any existing street pavements within the exterior boundaries of the Plat or immediately adjacent thereto; together with any legally established centerline elevations, all to the datum used for the contours.
12. Location, size and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles and location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewer or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.

13. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
14. Dimensions of all lots, together with proposed lot and block numbers.
15. Radii of all curves.
16. Existing zoning and proposed use on and adjacent to the proposed subdivision.
17. Corporate limit lines.
18. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
19. Any proposed lake and stream improvement or relocation and proposed filling, grading, lagooning and dredging within the exterior boundaries of the Plat and the notice of application for Department of Natural Resources approval, when applicable.
20. Seasonally wet areas.
21. Sanitary sewer service area boundary, when applicable.
22. In addition to the above listed information, the preliminary County Plat shall also include the necessary soil tests indicating types of acceptable on-site sanitary systems.

#### **B. STREET PLANS AND PROFILES**

The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Town of Dale, and all elevations, plans and profiles shall meet the approval of the Town.

#### **C. TESTING**

The Town may require borings be made in designated areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer, the provisions of chapters COMM 85 and/or 83 (formerly ILHR), Wisconsin Administrative Code, shall be complied with and the appropriate data shall be submitted with the Preliminary Plat. An impartial party with expertise who has no other involvement with the development project shall review all calculations. Such review shall be done at the expense of the developer and the results shall be submitted to the Town along with the preliminary plat.

#### **D. COVENANTS**

The Town shall require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

#### **E. AFFIDAVIT**

The surveyor preparing the preliminary plat shall certify on the face of the Plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this ordinance.

#### **F. FINAL PLAT**

General: A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with and show correctly on its face, in addition to the information required by section 236.20, Wisconsin Statutes, the following:

1. Exact street width along the line of any obliquely intersecting street.
2. Setbacks or building lines when deemed necessary by the County Zoning Committee.
3. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat. If common property is located within the Plat, then provisions for its use and maintenance and liability must also be provided with the Plat.
4. Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provisions of planting strips.
5. The following certificates must be on all final plats:

- a) Surveyor's Certificate
  - b) Owner's Certificate
  - c) Persons holding an interest in the fee of record or by being in possession
  - d) The mortgagee of record if land is mortgaged
  - e) Town to include Town Chairperson, Clerk, and Treasurer; County to include Zoning Administrator and Treasurer and Village or City depending on jurisdiction and extraterritorial limits.
  - f) Clerk's Transmittal Certificate, when Plat is submitted as a print under section 236.12(2), Wisconsin Statutes.
6. If any subdivision will result in the creation of a buildable lot or lots which are adjacent to property used for agricultural purposes (i.e., a farm operational or for nonmetallic mining (i.e., a quarry operation), for commercial use (i.e., business) then the Subdivider shall place on the face of the Final Plat Map a statement clearly disclosing this fact. The disclosure language shall be subject to the review and approval of the Town.

#### **G. DEED RESTRICTIONS**

Any deed restrictions attached to the subdivision shall be filed with or placed on the face of the final plat. Placing the Register of Deeds recording information on the face of the plat is acceptable.

#### **H. SURVEYING AND MONUMENTING**

All final Plats shall meet all of the surveying and monumenting requirements of section 236.15, Wisconsin Statutes.

#### **I. OUTAGAMIE COUNTY COORDINATE SYSTEM**

Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, the Plat shall be tied directly to two of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Outagamie County Plan Coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Outagamie County Coordinate System. All measurements shall also be based on the Outagamie County remonumentation data on file with the County Surveyor.

### **SECTION 5 REQUIRED IMPROVEMENTS**

#### **A. GENERAL**

The subdivider shall not begin installation of any street or other improvements required by the Town until the Town Board has approved and the developer has recorded a final Plat. In order for adequately inspected installed improvements, the Developer shall notify the Town one week prior to the time each phase is complete.

#### **B. DEDICATION OF RIGHT-OF-WAY**

Subdivisions shall include all of the following if it includes dedication of Right-of-Way:

1. Street Grading, Lot Line Grading, and surfacing of all streets proposed to be dedicated in accordance with the Town Road Specifications and Developers agreement.
2. Storm Water Drainage Facilities:
  - a) Construction of storm water drainage facilities, which may include curb and gutters, catch basins and inlets, culverts, storm sewers, road ditches, open channels, filtration, and detention and retention facilities as may be required to provide adequate drainage for the subdivision.
  - b) Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural water-courses, insure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess water runoff in adjacent property. The Town Board or County Zoning Committee may

require easements or drainage ways of width sufficient to accommodate anticipated storm water runoff. All storm water facilities shall be constructed in accordance with plans and standard specifications approved by the Town Board.

3. Street Signs must meet the requirements of the Manual on Uniform Traffic Control Devices, and approval of the Town Board at all required locations.
4. Street Lighting subject to the approval of The Town Board with a monthly cost to be assessed to each individual subdivision lot.

### **C. SURFACE WATER DRAINAGE RESTRICTIONS**

No drainageway contained within a drainage easement shall be disturbed, except as provided in sub. (3), in accordance with the following

1. No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality and the servicing of the drainageway.
2. Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainage ways to avoid the creation of lots that can be built upon by altering such drainage ways.
3. Surface water shall not be regarded as unduly retained or diverted if:
  - a) The retention or diversion results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.
  - b) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
  - c) The retention or diversion results from the actions of natural, obstructions, whereby maintenance shall be performed by the property owner as described in Section C of this ordinance.
  - d) The retention or diversion has been allowed or required by the Town, County Zoning Department, or County Land Conservation Department, and noted on the approved drainage plan.

### **D. STORM WATER DETENTION/RETENTION**

Storm water Detention/Retention shall be serviced by Outagamie County with additional revisions and approval by the Town of Dale.

### **E. PUBLIC SANITARY SEWERAGE & PRIVATE DISPOSAL SYSTEMS**

1. In areas that have a sanitary sewer system on or near the proposed land division, the subdivider and the municipalities involved shall make every effort to connect the proposed development with the sanitary sewer system.
2. In areas where a sanitary sewer system is not available, on-site sewage disposal systems utilizing soil absorption fields will be permitted only when soil tests conducted in accordance with chapters COMM 85 and/or 83 (formerly ILHR), Wisconsin Administrative Code, indicate the systems will function adequately. Such systems shall be installed in accordance with County Code of Ordinances.

### **F. DEDICATION AND RESERVATION OF LAND**

1. Whenever a tract of land to be subdivided embraces all or any part of a street or other public way which has been designated in adopted Town, regional, or County Comprehensive Plans or adopted plan components, such public way shall be a part of the Plat.
2. Whenever a proposed park, playground, public access, open space site or other public land other than streets designated in an adopted Town, regional, or County Comprehensive Plan or adopted plan components is embraced, all or in part, in a tract of land to be subdivided, such proposed public lands shall be made a part of the Plat. Said lands shall either be dedicated to the public or be reserved for acquisition at undeveloped land costs for a period not to exceed 3 years from the date of recordation, unless extended by mutual agreement between the subdivider and the public agency

having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

3. All public access to the low watermark of navigable lakes and streams required by section 236.16(3), Wisconsin Statutes, shall be at least 100 feet wide to provide sufficient areas for turning movements and parking.

## **SECTION 6 DESIGN STANDARDS**

### **A. STREET ARRANGEMENTS**

The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect, in areas for which an official map has not been completed. The street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets. Utilities, land uses, public convenience and safety shall also be considered. The land division shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed land divisions:

1. Arterial Streets: Arterial streets shall be arranged so as to provide ready access to centers of employment, high density residential areas, centers of government activity, community shopping area, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.
2. Collector Streets: Collector streets shall be arranged so as to provide collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators, such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
3. Minor Streets: Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.
4. Proposed Streets: Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board or County Zoning Committee. Such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turn-around of 60 feet right-of-way radius and a roadway of not less than 45 feet in radius.
5. Arterial Street and Highway Protection: Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line or by the use of frontage streets.
6. Reserve Strips: Reserve strips controlling access to streets or alleys shall be prohibited, except where their control is definitely placed with the Town or County.
7. Alleys: Alleys may be required in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. "No outlet" alleys shall not be approved and alleys shall not connect to a federal, state or county trunk highway.
8. Street Names: Street names shall not duplicate or be similar to existing street names within Outagamie County and existing street names shall be projected or continued wherever possible.
9. Street Stubs: The Town may determine that a street stub will be required as a means of providing access to adjacent undeveloped properties. If street stubs create corner lots, access to said lots may be restricted to only the through street and not the street stub. Any street stub may be required to have utility stubs and be fully improved to Town road standards.

### **B.**

### **C. LIMITED ACCESS HIGHWAY / RAILROAD RIGHT-OF-WAY TREATMENT**

Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

1. When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be placed on the face of the Plat: "Direct vehicular access to (name of road) from lots abutting such road is prohibited".
2. Commercial and industrial districts should provide on each side of the limited access highway or railroad a street approximately parallel to and at suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
3. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients

### **C. STREET DESIGN STANDARDS**

All Streets shall be designed and constructed in accordance with the current Town of Dale Road Specifications which are available in the Town Clerk's office.

### **D. SECOND ACCESS POINT**

In the event a proposed Plat does not include a second access point, the following shall be required:

1. An area mapped and dedicated to the public attaching the subject Plat to an adjoining parcel, unless the topography, including location of wetland areas or flood plain areas make such an area impracticable. Such area must be sufficient for the future construction of a road to Town standards, including applicable setbacks.
2. In any Plat in which a proposed single access road exceeds 600 feet in length, in addition to the requirement in paragraph A, of this Section immediately above, without any exception for topography, an officially mapped road by statute to an appropriate adjoining street must be recorded. The following requirements to create the necessary Official Mapped Street is as follows:
  - a) All costs associated with the mapping shall be at the cost of the developer, including engineering review, mailing, publishing and meeting fees. Prior to commencement of any action by the Town, the Town Clerk shall provide an estimate for the above and such funds must be provided prior to any action being commenced.
  - b) Approval of all landowners directly affected by the mapping shall be secured by the seeker of the mapped road, unless compelling circumstances in the interest of the Town require mapping without approval. In addition, all affected landowners shall receive by certified mail notice of the public hearing of the proposed mapping.
  - c) All official mapping shall be consistent with the preservation of road corridor access ordinances of the Town of Dale and official mapping ordinance.

### **E. STREET INTERSECTIONS**

Streets shall intersect each other as nearly as possible at right angles and not more than two (2) streets shall intersect at one point, unless approved by the Town Planning Commission and Town Board.

1. Number of intersections along Collector streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections should not be less than 1,200 feet.
2. Street jogs with centerline offsets of less than 125 feet shall not be approved.

### **F. BLOCKS**

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography.

1. Length: Blocks in residential areas should not, as a general rule, be less than 750 feet nor more than 1,500 feet in length, unless otherwise dictated.
2. Pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town Planning Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.
3. Width: Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.
4. Utility Easements: All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines except where lots abut a lake or stream or where such a location is deemed engineeringly unfeasible by the utility companies involved.

### **G. LOTS**

The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an architectural setting for the building contemplated.

1. Lot Lines: Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them
2. Double and Reversed Frontage Lots: Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
3. Access: Every lot shall front or abut a public street and have direct vehicular access to that public street for a distance of at least 33 feet. Direct access does not include the use of easements.
4. Unsewered Lot Area And Dimensions: The minimum 1.25 lot size may only be reduced upon all of the following:
  - a.) The average lot size is at least 1.25 acres within the Plat.
  - b.) At least 80% of the lots exceed 1.25 acres within the Plat.
  - c.) No lot shall be under 1 acre in unsewered areas.
  - d.) The topography of the land within the Plat is conducive to the proposed exception.
  - e.) Substantial aesthetic reasons supporting the exception.
  - f.) Other aesthetic reasons justify an exception, provided the purpose of this Ordinance is substantially complied with.
  - g.) In these areas any habitable construction project shall conform to requirements of the Dept of Commerce.
  - h.) Whenever a tract is divided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-dividing of any such parcels into normal lots in accordance with the provisions of this Ordinance..
5. Width of lots in Unsewered Areas: All lots shall be a minimum of 100' through the proposed building area of the lot. Cul-de-sac lots, may have a minimum of 60' of road frontage, but follow the 100' requirement through the building area .
6. Sewered Lot Area and Dimensions: In sewered areas lots shall be a minimum of 1 acre without storm sewer, curb, and gutter. In sewered areas, lots under 1 acre the subdivider will be required to provide storm sewer, curb, and gutter. No lot shall be less than .5 acre.
7. Width of Lots in Sewered Areas: All lots shall be a minimum of 80' through the proposed building area of the lot. Cul-de-sac lots may have a minimum of 60' of road frontage, but shall follow the 80' requirement through the building area.
8. Depth of Sewered and Unsewered Lots: Shall be designed with a suitable proportion between width and depth. Neither long, narrow nor wide, shallow lots are desirable. The use of "Flag Lots" is prohibited, except to overcome specific topographic or environmental restrictions.

9. Corner Lots: Corner lots shall be designed with extra width to permit adequate building setback from both streets.
10. Buffer Requirements: On Plats creating more than five (5) lots, berms/plantings/fencing may be required.

#### **H. BUILDING SETBACK LINES**

Building setback lines shall conform to the requirements of the Outagamie County Zoning Ordinance. The provisions in the Outagamie County Ordinance shall apply for lots in the shoreland area.

#### **I. EASEMENTS**

Where a land division is traversed by a watercourse, drainageway or stream, an adequate drainageway or easement may be required to ensure proper storm water runoff. The location, width, alignment, and improvement of the drainageway or easement shall be approved by the Town Board.

### **SECTION 7 CLUSTER SUBDIVISIONS/PLANNED UNIT DEVELOPMENTS**

#### **A. PURPOSE**

Grouping of residences in clusters will permit individual minimum lot sizes to be reduced, provided overall density within the subdivision, is maintained. The remaining undeveloped area within the subdivision can be used, to provide common open space and preserve the scenic qualities of an applicable environmentally sensitive area. Grouping of residences facilitate common water and sewage disposal systems and encourages the improved use of the land in proper respect to the preservation of natural resources.

#### **B. REVIEW**

Cluster subdivisions and Planned Unit Development subdivisions shall be submitted for review in the same manner as any other subdivision as outlined in sections 3 D and Section 4 C this ordinance.

#### **C. REQUIREMENTS**

1. Proposed Cluster Developments and Planned Unit Development shall include a minimum of 40 acres and shall be platted according to the requirements of this ordinance.
2. The maximum permitted number of lots in such development shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by the Outagamie Zoning Ordinance. Lots within the shoreland jurisdiction shall conform to the area and dimension requirements of chapter 16 of the Code of Ordinances.
3. The minimum yard and setback requirements of the Outagamie Zoning Ordinance shall apply.
4. Excess land not used for lots and streets shall be dedicated for open space purposes. This may be accomplished by conveyance in common to each of the owners of lots in the development or by dedication to the County or Town. Lands dedicated to the public must be accepted by appropriate action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowners association or similar legally constituted body shall be created to maintain the open space land. Poorly drained or otherwise undesirable lands will not be considered for open space as determined by the Town.
5. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promise or beneficiary shall vest in the public body the right to enforce the restriction at law or inequity against anyone who has or acquires an interest in the land subject to the restriction. These restrictions shall be subject to acceptance by the Town Board.
6. Proposed Clustered Developments and Planned Unit Developments shall be in sewered areas..
7. The Design Standards, as outlined within this section, may, at the discretion of the Town Planning Commission and Town Board, be relaxed as an incentive in developing Cluster Subdivisions and Planned Unit Developments. Standards that can be relaxed in order to permit more creative land division design include, but are not limited to, lot shape and depth, length of cul-de-sac roads, road right-of-way width and block length and shape.

## **SECTION 8 INSPECTIONS AND PERMITS**

### **A. COMMENCEMENT**

No construction or installation of improvements shall commence in a proposed land division until the Preliminary Plat has been approved by the County.

### **B. BUILDING PERMITS**

No land use permit or building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this ordinance have been met.

### **C. FEES**

The subdivider shall pay the Town and County all required fees at the specified time. The schedule of fees shall be as adopted from time to time by resolution of the Town and County Board and is hereby adopted by reference as if fully set forth herein.

### **D. PLANS**

The following plans and accompanying construction specifications may be required by the Town Board before authorization of construction or installation of improvements:

1. Street plans and profiles showing existing and proposed grades, elevation and cross sections of required improvements.
2. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
3. Storm water management facilities and storm sewer plans and profiles showing locations, grades, sizes, cross sections, elevation and materials of required facilities.
4. Water main plans and profiles showing the sizes, locations, elevations and materials of required facilities.
5. Planting screens required showing the locations, age and species of any required street trees.
6. Additional special plans or information as required.

### **E. INSPECTION**

The subdivider, prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. Any public sewer or water installation shall require a full time inspector provided by the Town and paid for by the Developer. The Town Board shall inspect and approve all completed work prior to approval of the final Plat or release of the sureties.

## **SECTION 9 VIOLATIONS, PENALTIES, APPEALS AND VARIANCES**

### **A. VIOLATIONS**

No person shall build upon, divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes and no person shall be issued a County sanitary permit and/or a building permit authorizing the building on or improvements of any land division within the jurisdiction of this ordinance and not on record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met. The Town may institute action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes.

### **B. PENALTIES**

Any person that fails to comply with the provisions of this ordinance shall, upon conviction thereof, be subject to a penalty as provided for in Section 25.04 of this Code of Ordinances.

1. Recordation improperly made shall be subject to the penalties provided in for Section 236.30, Wisconsin Statutes.
2. Conveyance of lots in unrecorded plats shall be subject to the penalties as provided for in Section 236.31, Wisconsin Statutes.
3. Monuments disturbed or not placed shall be subject to the penalties as provided for in Section 236.32, Wisconsin Statutes.

4. The Town may order assessor's plat when a subdivision is created by successive divisions as provided for in Section 236.31(2), Wisconsin Statutes.

### **C. APPEALS**

Any person aggrieved by an objection to a Plat or failure to approve a Plat may appeal therefrom as provided for in Sections 236.13(5) and 62.23(7), (10) (15), Wisconsin Statutes.

### **D. VARIANCES**

If a subdivider can show that, by reason of exceptional topography or other physical condition, strict compliance with any requirement of this ordinance would cause practical difficulty or exceptional and undue hardship, the Town Board may relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this ordinance or the desirable general development of the Town. A majority vote of the entire membership of the Town Board shall be required to grant any modification to these regulations and any modification thus granted shall be entered in the minutes of the Town Board, setting forth the reasons, which in the opinion of the Town Board, justified the modification. No variance shall be granted by the Town, which is contrary to provisions of the Wisconsin Administrative Code, the Wisconsin Statutes, or Outagamie County Ordinances.

## **SECTION 7 SEVERABILITY**

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

A copy of this enacted Ordinance shall be submitted to Outagamie County, to the Outagamie County Zoning and Planning agencies, and to local engineering and survey firms, so as to inform these agencies, surveyors, and firms of the continuing requirement for Town approval of all Certified Survey Maps.

Adopted by the Town of Dale Board June 10, 2008

**TOWN OF DALE  
ORDINANCE 7:06**

**LAND DIVISION REVIEW ORDINANCE**

**WHEREAS**, The Town of Dale, in conjunction with the Smart Growth Plan developed by the town, desires to set forth the terms and criteria for approval of platted lands within the Town of Dale. Therefore, the Town Board of Dale does ordain as follows:

**SECTION 1. INTRODUCTION:**

Definitions:

Platted Lands or plat: This shall include all divisions of existing parcels, whether by plat or by certified survey map, regardless of the number of lots or divisions created.

Town Planning Agencies:

The Town of Dale Planning Commission and/or the Town Board of Dale.

Scope of Ordinance:

This ordinance is to be construed broadly in favor of the purpose and vision of the current Smart Growth or Comprehensive Plan adopted by the Town of Dale. Further, all requirements of this ordinance shall be in addition to, and shall be considered more restrictive than, any requirements of the State of Wisconsin and Outagamie County, or any other regulatory body.

**SECTION 2. REVIEW OF PLATS:**

All plats shall be provided to the Town clerk no later than 10 days prior to the next regular scheduled Town Board meeting.

The Town Planning Commission shall review the proposed plat and submit a written report reflecting the following as a minimum:

- A.** A recommendation for approval or rejection, including a tally of votes.
- B.** A recommendation for tabling for further information, including a tally of votes.
- C.** Specific requests for information to be secured by the Town Board, or by the Planning Commission, including any suggested sources of information and methods of securing information.
- D.** A recommendation for acceptance conditioned upon specific suggestions, including a tally of votes.
- E.** For any of the above, a written statement or explanation as to the general consensus for the action. Dissents and explanations of dissents are encouraged, but not required.
- F.** Any other information deemed helpful and appropriate by the Town Planning Commission.
- G.** All of the above shall explain and demonstrate the application and consideration of the town comprehensive use plan, this ordinance, and those factors set forth in section 236.12, Wis. Stats, or its successor and any other ordinance of the Town of Dale, including but not limited to, any ordinances relating to building or development of roads within the Town of Dale.

**SECTION 3. APPROVAL OF PLAT:**

The Town board shall approve, reject or table any plat based upon the recommendation under SECTION 2 above and upon its independent review of the factors set forth in SECTION 2 G, above. The Town board may request additional information or approve, conditioned upon execution of specific terms and conditions, consistent with the factors in SECTION 2 G above.

#### **SECTION 4. MINIMUM PLAT REQUIREMENTS**

Lot Size: Proposed buildable lots within any plat shall be 1.25 acres, unless such lot is within an active sanitary district providing sanitary sewer.

Buffer Requirements: On Plats creating more than 3 lots, buffers may be required, in addition to any county requirements.

Second Access point: In the event a proposed plat does not include a second access point, the following shall be required: An area mapped and dedicated to the public attaching the subject plat to an adjoining parcel, unless the topography, including location of wetland areas, or flood plain areas make such as area impractical. Such area must be sufficient for the future construction of a road to Town standards, including applicable setbacks.

In any plat in which a proposed single access road exceeds 200' feet in length, in addition to the requirement in paragraph A immediately above, without any exception for topography, an officially mapped road to an appropriate adjoining street must be recorded.

Any plat requiring official mapping of a road shall require a \$300.00 fee to be paid by the developer for anticipated cost including but not limited to engineering review, mailing, publishing and meeting fees. This fee is to be paid prior to commencement of any action by the Town.

Approval of all landowners directly affected by the mapping shall be secured by the seeker of the mapped road, unless compelling circumstances in the interest of the Town require mapping without approval. In addition, all affected landowners shall receive by certified mail notice of the public hearing of the proposed mapping.

All official mappings shall be consistent with the preservation of road corridor access ordinances of the Town and The Town of Dale official mapping ordinance.

#### **SECTION 5. VARIANCES OR EXCEPTIONS TO REQUIREMENTS:**

The minimum requirements in Section 4 above may be modified upon a finding that the proposed exception is consistent with the purpose of the comprehensive plan of the Town of Dale and the following criteria.

A. Lot size: The minimum lot size in Section 4 may only be reduced upon the following:

The average lot size is at least 1.25 acres within the plat.

At least 80% of the lots exceed 1.25 acres within the plat.

The topography of the land within the plat is conducive to the proposed exception.

Substantial aesthetic reasons support the exception.

The common area provided within the platted area.

Other reasons similar to the above and not inconsistent with the comprehensive plan and actual use of land within the Town.

No lot size maybe less than one acre.

B. Buffers: Other aesthetic reasons justify an exception, provided the purpose of this ordinance is substantially complied with.

**TOWN OF DALE  
ORDINANCE 7:07**

**AN ORDINANCE TO ADOPT THE AMEDNED COMPREHENSIVE PLAN OF THE  
TOWN OF DALE OUTAGAMIE COUNTY, WISCONSIN**

**WHEREAS,** The Town Board of Supervisors of the Town of Dale, Outagamie County, ordains as follows:

**SECTION 1** Pursuant to Section 62.23 for towns exercising village powers under 60.22(3) of the Wisconsin Statutes, the Town of Dale is authorized to prepare and adopt an amended comprehensive plan as defined in Section 66.1001 (1) (a) and 66.1001 (4) of the Wisconsin Statutes.

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

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

**SECTION 4** The Town has held at least one public hearing on this ordinance in compliance with the requirements of Section 66.1001 (4) (d) of the Wisconsin Statutes.

**SECTION 5** The Town Board of the Town of Dale, Wisconsin, does by enactment of this ordinance, formally, adopt the document entitled , pursuant to Section 66.1001 (4) (a) of the Wisconsin Statutes.

**SECTION 6** This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and as required by law.

**TOWN OF DALE  
ORDINANCE 8.00**

**HIGHWAY SUPERINTENDENT**

**WHEREAS**, The Town Board of Dale, Outagamie County, Wisconsin having determined the necessity of consistency in maintaining the highways of the Town, does pursuant to Sec. 81.02 WI Stats, authorize the Town Board to appoint a Highway Superintendent, to serve at the pleasure of the Town Board. The Superintendent shall have the authority granted by the Ordinances of the Town of Dale and Sec 81:03 WI Stats. The Town Board shall set a reasonable annual salary for the Highway Superintendent to be paid out of the Highway expenditures. The Superintendent may be, but is not required to be a Town Board Supervisor. The appointment shall be made each year at the regularly scheduled Town Board meeting in May. If a supervisor is considered for the appointment, he or she shall abstain from consideration and voting regarding such appointment.

## ORDINANCE 8.01

### OFFICIAL MAP ORDINANCE

**A. Established: Parts.** There is hereby established an official map of the Town of Dale showing the location and width of streets and highways as laid out, adopted, and established. This official map is hereby declared to consist of a street and subdivision map and a major street development plan.

1 ) Street and Subdivision Map. The Town shall maintain and keep current a map that shows all public streets and platted subdivisions within the Town of Dale.

2) Major Street Development Plan. The Town shall maintain a map of the Town of Dale as defined in W.S.A. 62.23, with a certified copy of the map to be kept on file at the Town Clerks office. This map shall be kept current and shall show all proposed street extensions adopted by the Town Board.

**B. Plat Approval.** No land subdivision plat shall be approved unless such plat conforms to the official map.

**C. Permit Required For Erection of Building in Street Bed.** For the purpose of conserving the integrity of the official map, no building shall be erected within the bed of any street, highway or parkway shown on the official map, unless a permit has first been applied for and issued in accordance with W.S.A. 62.23(6) (d),(e), (f), and (g). The applicant for such a permit shall submit to the Town of Dale, with his application, an accurate plat plan, certified by a State registered surveyor, showing the location of the proposed building with reference to any street, highway, or parkway shown on the official map.

**D. Changes and Amendments.** The Dale Town Board may, whenever and as often as it may deem necessary for the public interest and after a public hearing as provided in W.S.A. 62.23(6)(c), change or add to the official map of the Town so as to establish the exterior lines of planned new streets, highways, and parkways, or to widen, narrow, extend, or close existing streets, highways, and parkways.

**E. Registration.** The Town Clerk shall file with the Register of Deeds of Outagamie County, certificates showing that the Town of Dale has established an official map, and shall do likewise as to any changes or additions.

**TOWN OF DALE  
ORDINANCE 8:02**

**ROADSIDE MAINTENANCE**

**WHEREAS**, The Town Board of the Town of Dale, Outagamie County, ordains as follows:

- A. The Town shall have the right to remove any and all trees, shrubbery, brush, grasses, flowers and any other growth that is located in the right-of-way of any Town road in the Town of Dale.
- B. The abutting landowner shall not be compensated for the removal of such items, but shall have the first right to the wood that results from the cutting.
- C. The removal of such items must be deemed necessary by the Town Board, or Highway Superintendent either for road construction, protection of utility lines, or public safety.
- D. Any adjoining land owner may plant trees or shrubbery in the road right-of-way at his own peril in accordance with State law, but must have written permission of the Town Board to do so.
- E. The term right-of-way shall mean either the actual right-of-way or

**SEVERABILITY**

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

**TOWN OF DALE  
ORDINANCE 8:03**

**WEIGHT LIMITS**

**WHEREAS**, The Town Board of the Town of Dale, having determined the necessity of limiting the weight of vehicles on highways under its jurisdiction, in order to fully utilize the life expectancy and use of such roads, does find and order as follows:

A. Class B Highway.

Pursuant to the authority 349.15 (2) of Wis. Stat, all highways under the jurisdiction of the Town of Dale are classified to be Class B Highways as defined by Sec 348.16 Wis Stat. Any exemption to such requirements shall be only granted after review by the Town Board, except limited emergency situations may be granted by the Town's Highway superintendent, subject to review by the Town Board at its next regular scheduled meeting for the purpose of extending such exemption. B Special or seasonal weight limits.

The person designated by the Town Board by resolution, as the Highway Superintendent shall have the authority to declare special or seasonal weight limits as is granted by the authority under Sec. 349.16 Wis Stat.

**TOWN OF DALE  
ORDINANCE 8:04**

**PRIVATE ROADS**

**FINDINGS**

The Town of Dale Board finds that at various times, land-owners desire access to adjoining or severed parcels of land by various means including but not limited to shared driveway agreements, ingress and egress easements, shared or sole ownership of tracts of lands used primarily for access.

Further, at various times, individuals desire to dedicate these means of access to the Town of Dale public roads.

The Town of Dale, therefore, finds that it is in the interest of the public health and safety that all such accesses be regulated to protect current and future Town residents from unnecessary costs from such dedications and to ensure proper access for provision of town services. Private roads are disfavored and shall be only approved to prevent undue hardship and for unique characteristics, that make a public road, impractical.

**Therefore**, the Town of Dale ordains as follows:

**A** Definition:

1. Private Roads – A means of access, whether created by ingress or egress easement, and agreement of adjoining landowner, or outright ownership by adjoining landowners: or any shared driveway agreement. This definition shall be liberally construed.

**B** Requirements:

1. Application: The application of this ordinance shall be to all private roads exceeding 200' in length.
2. Width: All private roads shall be at least 66' wide.
3. Mapping: All private roads shall be mapped by Certified Survey Map clearly indicating that the location and size of the private road and shall include language to the effect that they are not dedicated to the public but reserved for future use.
4. Obstruction. No permanent obstructions shall be placed within the mapped area of the private road.
5. Connection. Any proposed private road shall provide a proposed connection if appropriate to any existing town road, officially mapped road or proposed road of any sort contained in any Town of Dale Ordinance, or as required by the Town Board. The Town Board may approve or reject the proposed private road if the proposed connection does not adequately and appropriately comply with any Town of Dale Ordinance, mapped roads or land use plan of any sort.
6. Setback. All structures and dwelling shall not be constructed within the normal setback area, as if the private road was a dedicated Town Road or those setback as determined by the then current Outagamie County Ordinances.
7. Specifications. All private roads shall provide safe and proper access to the parcels utilizing the private road by fire, rescue, and other emergency equipment. The Town of Dale reserves the right, but is not required to do so, based upon the number of parcels served by the private road and the unique characteristics of the private road, to require the private road to be built, prior to issuance of building permits, to the then current Town of Dale Road Specification and to apply all other Town Ordinances as if the private road is a town road or proposed town road. In the event, the private road is ever offered to the Town Dale for dedication to the public, all Town of Dale ordinances including but not limited to road construction and development shall be complied with.

**C** Severability:

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

**TOWN OF DALE  
ORDINANCE 8:05**

**REPAIR OF DRIVEWAY APRONS**

The Town of Dale shall be responsible for repairing and replacing all asphalt driveway aprons, in the Town of Dale, if such repair or replacement is the direct result of work done by or on behalf of the Town of Dale.

The cost of repair of any concrete driveway apron will be 100% the responsibility of the property owner, even if such repair or replacement is a direct result of work done by or on behalf of the Town of Dale.

TOWN OF DALE

By: \_\_\_\_\_  
Mr. Doug Wunderlich, Chairman

By: \_\_\_\_\_  
Ms. Marcia A. Kelly, Clerk

Number Voted For: \_\_\_\_\_

Number Voted Against: \_\_\_\_\_

This Ordinance drafted by:  
Attorney Erik R. Forsgren  
Attorney for the Town of Dale  
716 Wolf River Drive  
P.O. Box 188  
Fremont, WI 54940  
920-446-3385

**TOWN OF DALE  
OUTAGAMIE COUNTY, WISCONSIN**

**ORDINANCE 8:06  
NO PARKING ZONES**

WHEREFORE no person shall park or leave standing any vehicle on either side of County Highway M for a distance of 650 feet North and a distance of 650 feet South of the centerline of State Highway 96 between the hours of 2:00 a.m. to 5:00 a.m.;

EFFECTIVE DATE – This ordinance shall take effect from and after its passage and posting as provided by law.

Adopted this 9<sup>th</sup> day of September, 2013