

Village of Wild Rose Code Adoption Ordinance

Schedule A Specific Revisions at Time of Adoption of Code

Chapter 1-1, Use and Construction.

- A. Section 1-1-2N is added to read as follows:
Village Clerk-Treasurer. References in the Code to the Village Clerk and Treasurer shall be construed to mean the combined office of Village Clerk-Treasurer established by Chapter 2-3 of this Code.
- B. Former Sec. 1-1-4, Separability of provisions, Sec. 1-1-5, Effective date of ordinance, and Sec. 1-1-6, Repeal of general ordinances, are repealed.
- C. Section 1-1-7 is amended to delete reference to § 48.065(2)(g), Wis. Stats.
- D. Former Sec. 1-1-8(a)(2), Second offense penalty, is repealed.

Chapter 2-1, Village Government; Open Meetings.

The first sentence of § 2-1-3C(2) is amended, in part, as indicated: "... and at three public places likely to give notice to people affected, or by posting in at least one public place likely to give notice to persons affected and placing electronically on an internet site maintained by the Village."

Chapter 2-3, Municipal Officers and Employees.

Section 2-3-1D is amended to change "Municipal Accounting Division of the State Department of Taxation" to read "Department of Revenue."

Chapter 2-4, Boards and Commissions.

- A. Section 2-4-4B is amended as indicated:
The Zoning Board of Appeals shall consist of ~~three~~ five members appointed by the Village President, and confirmed by the Village Board, for terms of three years except that, of those first appointed, one shall serve for one year, two shall serve for two years and two shall serve for three years. The Village President shall designate one of the members as Chairperson. The Village President ~~may~~ shall also appoint, for ~~a~~ staggered terms of three years, ~~an~~ two alternate members of such Zoning Board of Appeals, in addition to the five members provided for

above, who shall act with full power only when a member of the Zoning Board of Appeals refuses to vote because of interest or when a member is absent.

- B. Section 2-4-5A is amended as indicated:
Establishment. Pursuant with § 60.57(1)(a), Wis. Stats., a A Board of Police Commissioners is established, and shall be organized in the same manner as boards of police and fire commissioners under § 61.65, Wis. Stats.

Chapter 2-5, Finance.

- A. Section 2-5-1B is amended as indicated:
Rates stamped on receipts. Pursuant to § 74.08(1), Wis. Stats., in lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local land other taxes, enter the combined aggregate amount of such taxes in a single column on the tax receipt issued by the Clerk-Treasurer. The Clerk-Treasurer shall annotate the separate proportion or rate of taxes levied for state, county, school, local or other purposes, on the tax receipt. The County Clerk, unless a different official is designated by the County Board, shall procure and furnish tax receipts, prescribed under § 70.09(3), Wis. Stats., to each taxation district treasurer in the county. The taxation district treasurer shall use the tax receipts so furnished. If requested under § 74.09(3)(g), Wis. Stats., the taxation district treasurer shall mail a copy of the tax receipt to the requester.
- B. Section 2-5-4 is added to read as follows: "The amount of taxes to be levied or certified, the amounts of the various appropriations and the purposes thereof shall not be changed after approval of the budget except by a two-thirds vote of the entire membership of the Village Board. Notice of such transfer shall be given by publication of the minutes of the meeting or such other publication as the Board may direct."

Chapter 2-6, Special Charges, Special Assessments Payment of Real and Personal Property Taxes.

- A. Section 2-6-1A is amended to add "out of the proceeds of the special assessments" to the end thereof.
- B. Section 2-6-5 is amended as indicated:
Such notice shall be given either by publication in the official Village newspaper, or posted in not less than three public places within the Village. A copy of said notice shall be mailed to each interested person whose post office address and not more than 40 days after the publication or posting of said notice. The notice shall be published as a Class 1 notice, under Ch. 985, Wis. Stats., in the city, town or village, and a copy of the notice shall be mailed, at least 10 days before the

hearing or proceeding, to every interested person whose post office address is known or can be ascertained with reasonable diligence.

- C. Section 2-6-13A is amended to read as follows:
In addition to all other methods provided by law, special charges for services provided to Village residents may be imposed by the Village Board, by allocating all or part of the cost of the service to the property served. Such service may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer services and tree care or removal, or any other service as defined in § 66.0627(1)(c), Wis. Stats. The Village Board may determine the manner of providing notice of a special charge. Before a special charge for street tarring or the repair of sidewalks, curbs or gutters may be imposed, the Village Board shall conduct a hearing on whether the service in question will be funded in whole or in part by a special charge. Notice of the hearing shall be given as provided in § 66.0627(3)(b), Wis. Stats.

Chapter 2-7, Ethical Standards.

Section 2-7-7 is amended to add the following sentence to the end thereof: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable by a forfeiture in an amount as provided in § 1-1-8, General penalty."

Chapter 2-8, Review of Administrative Determinations.

- A. Section 2-8-4 is amended as indicated: "*Municipal authority*" includes the Village Board, and/or any board, commission, committee, agency ...
- B. Section 2-8-8 is amended to change "§ 2-8-7" to read "§ 2-8-6."

Chapter 2-9, Public Records.

- A. The definition of "Records" in § 2-9-1 is amended to read as follows:
Any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. "Record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials that are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an

authority other than a public library that are available for sale, or that are available for inspection at a public library.

B. Section 2-9-6.

- (1) In Subsection A(4), the second sentence is amended as indicated:
A "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential is a record or portion of a record containing information qualifying as a trade secret as defined in § 134.90(1)(c), Wis. Stats.
- (2) Subsection B is amended to change to reference to § 19.36(L), Wis. Stats., to § 19.36, Wis. Stats.

C. Section 2-9-7A and B are amended to change "Bureau of Municipal Audit" to read "Department of Revenue."

Chapter 2-10, Municipal Court.

A. Section 2-10-1.

- (1) Subsection F is amended to change "within seven days" to read "within 30 days."
- (2) Subsection G is amended, in part, as indicated:
"... not to exceed ~~\$50~~ \$200, plus a ~~penalty assessment~~ the costs, fees and surcharges imposed under ~~§ 165.87, Ch. 814,~~ Wis. Stats..."
- (3) Subsection I(1) is amended to change the reference to § 800.03(3), Wis. Stats., to § 800.037, Wis. Stats.

Chapter 3-1, Law Enforcement.

Section 3-1-9 is amended to read as follows:

All examinations for appointment to the Police Department shall be carried on according to § 62.13(4)(c), (d), and subject to §§ 111.321, 111.322, 111.325, Wis. Stats., under the supervision of the Chief of Police and the Police Committee. The Police Committee shall certify to the Board of Police Commissioners the three most qualified applicants (fewer than three permitted if fewer than three qualify). The Board of Police Commissioners shall make an appointment from the three applicants who are so certified, and forward their appointment to the Village Board for confirmation. The Chief of Police and/or Board of Police Commissioners makes an appointment from an eligible list of all

qualified applicants in accordance with § 62.13(4), Wis. Stats., or may request that search deadlines be extended and that the process of examining applicants be continued.

Chapter 3-3, Emergency Government.

Section 3-3-8B is amended to change the reference to § 1-1-7 to § 1-1-8.

Chapter 4-1, Public Works.

- A. Section 4-1-1 is amended to change "\$15,000" to read "\$25,000."
- B. Section 4-1-2B is amended in the third sentence thereof as indicated: "The contents of the bids will not be disclosed except upon the written order of such persons ..."

Chapter 4-2, Grades.

Section 4-2-3 is added to read as follows: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."

Chapter 4-3, Streets and Sidewalks.

- A. Former Sec. 4-3-10(b), Bond, is repealed.
- B. Former Sec. 4-3-10(c), Fee, is repealed.
- C. Section 4-3-12D is amended in the third sentence thereof as indicated:
If the removal of said building has caused any damage to the streets, ~~or~~ highways, alleys or sidewalks, the house mover shall forthwith place them in as good repair as they were before the permit was granted.

Chapter 4-4, Driveways.

- A. Section 4-4-1A is amended to change the fee of \$5 to \$25.
- B. Section 4-4-3 is added to read as follows: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."

Chapter 4-5, Municipal Cemetery.

Section 4-5-3A is amended as indicated in the third sentence thereof: "Upon final lot selection, and payment of the full purchase price of the plot(s) ~~and perpetual care fee of \$250~~, the Clerk-Treasurer shall issue a deed to the lot."

Chapter 5-3, Sewer Utility.

- A. Section 5-3-1, the definition of "standard methods," is amended as indicated:
The examination and analytical procedure set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Waste and Wastewater," ~~published jointly~~ promulgated by the American Public Health Association, ~~the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations~~ Water Environment Federation.
- B. Former Sec. 5-3-3, Private wastewater disposal, is repealed.
- C. Section 5-3-4B(3) is amended to add the following to the end of the subsection:
If costs exceed the permit fees, all inspection costs and expenses incurred for either residential or commercial for sewer connection shall be borne by the owner.
- D. Section 5-3-4N is added to read as follows: "Any person who shall violate any provision of this section shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."

Chapter 6-1, Health and Sanitation.

- A. Sections 6-1-1A(4), 6-1-1A(7), and 6-1-1B are amended to change "State Board of Health" to read "State Department of Health Services."
- B. Section 6-1-4A is amended to change the reference to § 5-4-9 to read "according to the current state plumbing codes."
- C. Section 6-1-7A is amended to read as follows:
The Village shall annually on or before May 15 publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds on lands in the Village which the person owns, occupies or controls.

Chapter 6-2, Pollution Abatement.

Section 6-2-4 is added to read as follows: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."

Chapter 6-3, Recycling Policy.

Section 6-3-15D is amended to change reference to § 6-3-11(a-e) to § 6-3-15C(1) through (5).

Chapter 7-1, Licensing of Dogs, and Regulation of Animals.

- A. Section 7-1-2 is amended as indicated:
The owner of a dog shall have said animal vaccinated against rabies by a veterinarian ~~within 30 days after the dog or cat reaches four~~ at no later than five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village after the dog has reached ~~four~~ five months of age, the owner shall have the dog vaccinated within 30 days...
- B. Section 7-1-4 is amended as indicated: "The Village Clerk/Treasurer shall assess and collect a late fee of \$5 from every owner of a dog or cat five months of age or over..."
- C. Section 7-1-5 is amended as indicated:
Owners of dogs who fail to obtain rabies vaccinations and licenses for their animals within the time limits outlined in this chapter are subject to fines and forfeitures ~~of no less than \$50 nor more than \$100 plus court costs and late fees~~ as provided in § 1-1-8, General penalty.
- D. Section 7-1-6D is amended to read as follows: "Penalty. For first offenses, owners shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."
- E. Section 7-1-15D is amended as indicated in the second sentence thereof:
Failure to comply with this warning will make the owner subject to a fine ~~of \$2~~ per animal as provided in § 1-1-8, General penalty. for every dog and cat that exceeds the three-dog, two-cat limit.

Chapter 7-2, Fermented Malt Beverages and Intoxicating Liquor.

Article I, Fermented Malt Beverages and Intoxicating Liquor.

- A. Section 7-2-2 is amended to delete the terms "retailers," "operators," and "nonintoxicating beverages."
- B. Section 7-2-4E(1) is amended as indicated:
Such license may be issued only to bona fide clubs and chambers of commerce, state, county or local fairs; associations or agricultural societies, churches, lodges or societies that have been in existence for not less than six months prior to the date of application for such license or to posts of ~~ex-servicemen's~~ veterans organizations now or hereafter established.

- C. Former Sec. 7-2-4(f), Wholesaler's fermented malt beverage license, and former Sec. 7-2-5(a)(6), regarding wholesaler's fermented malt beverage license fees, are repealed.
- D. Section 7-2-6.
- (1) Subsection A is amended as indicated in the first sentence thereof:
Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the ~~State Treasurer~~ Department of Revenue and shall be ~~sworn to~~ signed by the applicant as provided by §§ 887.01 to 887.03, Wis. Stats.
- (2) Subsection B is amended to change "sworn to" to read "signed."
- E. Section 7-2-7G is added to read as follows: "Responsible beverage server training course certification is required when filing an application for license."
- F. Section 7-2-9C is amended to change "State Board of Health" to read "State Department of Agriculture, Trade and Consumer Protection."
- G. Section 7-2-11A is amended as indicated in the last sentence thereof: "Whenever a license is transferred, the Clerk-Treasurer shall forthwith notify the ~~State Treasurer~~ Department of Revenue of such transfer."
- H. Section 7-2-12 is amended to delete the last sentence thereof, which formerly read "The Clerk-Treasurer shall affix to the license, his/her affidavit as provided by in § 125.04(4), Wis. Stats."
- I. Section 7-2-14D is amended as indicated:
There shall be upon the premises operated under a Class "B" license, at all times, a licensee, permittee, agent or a person holding an operator's license.

Article II, Operator's License.

- A. Section 7-2-22 is amended to change the expiration date from "the 13th day of June" to "June 30."
- B. Section 7-2-23 is amended as indicated: "The fee for an operator's license shall be \$5 \$10, or \$20 if a provisional license is needed."

Chapter 7-4, Pharmacist's Permits; Cigarette License.

- A. Section 7-4-1A is amended to delete reference to § 125.06(2), Wis. Stats.
- B. Section 7-4-2D is added to read as follows: "Any person who knowingly provides materially false information in an application for a cigarette and tobacco products

retailer license under this section may be required to forfeit not more than \$1,000."

Chapter 7-5, Direct Sellers.

Section 7-5-10 is added to read as follows: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."

Chapter 7-6, Regulation and Licensing of Amusement Arcades.

Section 7-6-6 is added to read as follows: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."

Chapter 7-7, Mobile Homes.

Section 7-7-8 is amended as indicated:

Any person violating any provision of this chapter shall, upon conviction thereof, forfeit an amount determined by the Municipal Court, but no less than \$25 nor more than \$100, plus court costs, assessments, and surcharges, for each offense, and in default thereof shall be subject to imprisonment in the Waushara County Jail until payment of such forfeiture and costs, but not exceeding 30 days for each violation be punishable as provided in § 1-1-8, General penalty.

Chapter 7-8, Sauna and Massage Establishments.

Section 7-8-11B(4) is amended as indicated:

Upon conviction thereof, shall forfeit an amount as provided not less than \$20 nor more than \$200 plus court costs, assessments, and surcharges, and in default of payment of such forfeiture and costs, shall be subject to imprisonment in the Waushara County Jail until payment of such forfeiture and costs, but not exceeding 90 days for each violation be punishable as provided in § 1-1-8, General penalty.

Chapter 7-9, Park Regulations.

Section 7-9-6 is amended as indicated:

Persons violating any provision of this chapter; shall be eited, and, upon conviction in Municipal Court, forfeit an amount not less then \$25, nor more then \$100, plus court cost, assessments, and surcharges. Second and subsequence convictions shall result in forfeitures being doubled. Failure to pay forfeitures and associated costs will make the offender subject to imprisonment in the Waushara County Jail until payment is made, but not for a period exceeding 30 days punishable as provided in § 1-1-8, General penalty.

Chapter 7-10, Parade Permits.

Section 7-10-3A(6) is amended as indicated: "The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit."

Chapter 7-11, Flea Markets.

Section 7-11-1K is amended as indicated:

Penalty. In addition to the suspension or revocation of a license issued under this chapter, any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, shall ~~forfeit an amount determined by the Municipal Court, but not less than \$10 nor more than \$500 together with court costs, assessments, and surcharges~~ be punishable as provided in § 1-1-8, General penalty.

Chapter 8-1, Traffic and Parking.

- A. Section 8-1-2C is amended to change "State Highway Commission" to read "Department of Transportation."
- B. Section 8-1-21C(1)(c) is amended to delete reference to § 343.27, Wis. Stats.

Chapter 8-3, Snowmobiles.

- A. Section 8-3-11 is amended as indicated:
Any person who shall violate any provision of this chapter shall, upon conviction thereof, ~~forfeit not more than \$600 together with court costs, assessments, and surcharges, and in default of payment thereof, may be imprisoned in the Waushara County Jail for a period not to exceed 90 days,~~ be punishable as provided in § 1-1-8, General penalty, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense, and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under §§ 8-1-20 and 8-1-21 of this Code.
- B. Section 8-3-12E is amended to change "State Board of County Judges" to read "Wisconsin Judicial Conference," and to replace the schedule of deposits with reference to the uniform bond schedule.

Chapter 8-4, Abandoned and Junked Vehicles.

Section 8-4-8E is amended to change reference to § 1-1-7 of the Code to § 1-1-8.

Chapter 8-5, Boats.

Section 8-5-4A is amended as indicated:

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit an amount determined by the Municipal Court, but not less than \$10, nor more than \$100, together with court costs, assessments, and surcharges, and in default of payment thereof, shall be subject to imprisonment in the Waushara County Jail according to law be punishable as provided in § 1-1-8, General penalty.

Chapter 9-2, Offenses Against Public Safety and Peace.

- A. Former Sec. 9-2-7(a)(1), regarding licensing requirements to sell products designed or marketed for use with controlled substances, is repealed.
- B. Section 9-2-11B(2) is amended to change the reference to § 1-1-7 to § 1-1-8.
- C. Section 9-2-12A.
 - (1) The definition of "drug paraphernalia" is added to read as follows:
 - (1) *All equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following:*
 - (a) *Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance or controlled substance analog can be derived.*
 - (b) *Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs.*
 - (c) *Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant that is a controlled substance.*
 - (d) *Testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs.*
 - (e) *Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances or controlled substance analogs.*

- (f) *Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances or controlled substance analogs.*
 - (g) *Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.*
 - (h) *Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances or controlled substance analogs.*
 - (i) *Capsules, balloons, envelopes and other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances or controlled substance analogs.*
 - (j) *Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances or controlled substance analogs.*
 - (k) *Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:*
 - [1] *Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.*
 - [2] *Water pipes.*
 - [3] *Carburetion tubes and devices.*
 - [4] *Smoking and carburetion masks.*
 - [5] *"Roach clips," meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.*
 - [6] *Miniature cocaine spoons and cocaine vials.*
 - [7] *Chamber pipes.*
 - [8] *Carburetor pipes.*
 - [9] *Electric pipes.*
 - [10] *Air-driven pipes.*
 - [11] *Chilams.*
 - [12] *Bongs.*
 - [13] *Ice pipes or chillers.*
- (2) *"Drug paraphernalia" excludes:*
- (a) *Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body.*

- (b) *Any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products.*
- (2) The definition of "practitioner" is amended to remove the defined term from the beginning of the two definition subsections.
- (3) The definition of "primarily" is added to read: "Chiefly or mainly."
- D. Section 9-2-12B is amended to change "practice" to read "practitioner."
- E. Section 9-2-12C is added to read as follows:
- C. *Restrictions.*
- (1) *No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this subsection may be subject to a forfeiture of not more than \$500, plus costs.*
- (2) *Any person who violates Subsection C(1) who is under 17 years of age is subject to a disposition under § 938.344(2e), Wisconsin Statutes.*
- F. Section 9-2-12D is added to read as follows: *Adoption. This section is adopted pursuant to § 961.577 of the Wisconsin Statutes.*
- G. Section 9-2-13I is amended as indicated:
Violations of this section will result in a forfeiture of not less than \$5, nor more than \$200 as provided in § 1-1-8, General penalty.
- H. Section 9-2-18D is amended as indicated: "Penalty. The offense described under Subsection C shall be subject to a penalty of a ~~minimum of \$100 and~~ a maximum of not more than ~~\$1,000~~ \$5,000."
- I. Section 9-2-19 is amended to read as follows:
- A. *Purpose and intent.*
- (1) *The Village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law*

near schools and day-care centers. The Village finds and declares that, in addition to schools and day-care centers, children congregate or play in a number of public places, including public parks and other facilities for children.

- (2) *This section is a regulatory measure aimed at protecting the health and safety of children in the Village of Wild Rose from the risk that convicted sex offenders may reoffend in locations close to their residences. It is the intent of this section not to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence; and by creating child safety zones where children regularly congregate in concentrated numbers wherein access by certain sexual offenders and sexual predators to such zones shall be restricted or excluded.*

B. *Definitions. As used in this section and unless the context otherwise requires:*

CRIME AGAINST CHILDREN—Any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction and involving a person under the age of 18 years, respectively:

Wisconsin Statutes Sections	As listed on the following pages
940.225(1)	<i>First Degree Sexual Assault</i>
940.225(2)	<i>Second Degree Sexual Assault</i>
940.225(3)	<i>Third Degree Sexual Assault</i>
940.22(2)	<i>Sexual Exploitation by Therapist</i>
940.30	<i>False Imprisonment—victim was minor and not the offender's child</i>
940.31	<i>Kidnapping—victim was minor and not the offender's child</i>
944.06	<i>Incest</i>
948.02(1)	<i>First Degree Sexual Assault of a Child</i>
948.02(2)	<i>Second Degree Sexual Assault of a Child</i>
948.025	<i>Engaging in Repeated Acts of Sexual Assault of the Same Child</i>
948.05	<i>Sexual Exploitation of a Child</i>
948.055	<i>Causing a Child to View or Listen to Sexual Activity</i>
948.06	<i>Incest with a Child</i>
948.07	<i>Child Enticement</i>
948.075	<i>Use of a Computer to Facilitate a Child Sex Crime</i>

- 948.08 *Soliciting a Child for Prostitution*
 948.095 *Sexual Assault of a Student by School Instructional Staff*
 948.11(2)(a) or (am) *Exposing Child to Harmful Material—felony sections*
 948.12 *Possession of Child Pornography*
 948.13 *Convicted Child Sex Offender Working with Children*
 948.30 *Abduction of Another's Child*
 971.17 *Not Guilty by Reason of Mental Disease—of an included offense*
 975.06 *Sex Crimes Law Commitment*
- FACILITY FOR CHILDREN**—A public or private school, a group home, as defined in § 48.02(7), Wisconsin Statutes, a residential care center for children and youth, as defined in § 48.02(15d), Wisconsin Statutes, a shelter care facility, as defined in § 48.02(17), Wisconsin Statutes, a child-care center licensed under § 48.65, Wisconsin Statutes, a child-care program established under § 120.13(14), Wisconsin Statutes, a child-care provider certified under § 48.651, Wisconsin Statutes, or a youth center, as defined in § 961.01(22), Wisconsin Statutes.
- OFFENDER**—A person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.
- PERMANENT RESIDENCE**—The place where a person sleeps, abides, lodges or resides for 14 or more consecutive days or which qualifies as a residence under the holdings of the Wisconsin Supreme Court and which may include more than one location, and may be mobile or transitory.
- RECREATIONAL TRAIL**—All parts and segments of the Village of Wild Rose designated as a recreational trail.
- SEXUALLY VIOLENT OFFENSE**—Shall have the meaning as set forth in § 980.01(6), Wisconsin Statutes, as amended from time to time.
- TEMPORARY RESIDENCE**—Residence or premises meeting any of the following criteria:
- (1) A place where the person sleeps, abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not that person's permanent residence as defined in this section;
 - (2) A place where the person routinely sleeps, abides, lodges or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not that person's permanent residence as defined in this section; or
 - (3) A place where a person sleeps, or which qualifies as a temporary residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location and may be mobile or transitory.

C. *Residency restrictions.*

- (1) *An offender shall not reside within 1,000 feet of real property that supports or upon which there exists any of the following uses:*
- (a) *Any facility for children;*
 - (b) *A public park, parkway, parkland, park facility;*
 - (c) *A public swimming pool;*
 - (d) *A public library;*
 - (e) *A recreational trail;*
 - (f) *A public playground;*
 - (g) *A school for children;*
 - (h) *Athletic fields used by children;*
 - (i) *A day-care center;*
 - (j) *Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; or*
 - (k) *Aquatic facilities open to the public.*
- (2) *Measurement of distance. The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in Subsection C(1) of this section.*
- (3) *Residency restriction exceptions. An offender residing within 1,000 feet of real property that supports or upon which there exists any of the uses enumerated in Subsection C(1) of this section does not commit a violation of this chapter if any of the following apply:*
- (a) *The offender is required to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental facility.*
 - (b) *The offender has established a residence prior to the effective date of the ordinance codified in this chapter.*
 - (c) *The use enumerated in Subsection C(1) of this section began after the offender established a residence.*
 - (d) *The offender is a minor or ward under guardianship.*
- (4) *In addition to and notwithstanding the foregoing, but subject to Subsection C(3) of this section, no person who has been convicted of a sexually violent offense and/or crime against children shall be permitted to reside in the Village of Wild Rose and no supervised release of such Wisconsin Statute Chapter 980 sexually violent person shall be established in the Village of Wild Rose unless such person was domiciled in the Village of Wild Rose at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.*

D. Loitering.

- (1) *It is unlawful for any person defined as an offender pursuant to § 9-2-19B to loiter or prowl in the locations enumerated in § 9-2-19C(1) in a place, at a time, or a manner not usual for law-abiding*

- individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.*
- (2) *Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the actor or other circumstances make it impracticable, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his/her presence and conduct at the locations enumerated in § 9-2-19C(1). No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.*
- E. *Loitering exceptions. The previous subsection shall not apply where the actor was accompanied by his/her parent, guardian or other adult person having his/her care, custody or control, or where that actor was exercising First Amendment rights protected by the United States Constitution or Wisconsin Constitution, including freedom of speech, the free exercise of religion and the right of assembly.*
- F. *Penalties and remedies.*
- (1) *Forfeitures. Any person found guilty of violating this section shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000 for each violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. Neither the issuance of a citation nor the imposition of forfeiture hereunder shall preclude the Village from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this section.*
- (2) *Injunction—violation of residency restrictions. If an offender establishes a permanent or temporary residence in violation of § 9-2-19C, the Chief of Police may refer the matter to the Village Attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this chapter, such violation interferes substantially with the comfortable enjoyment of life, health, or safety of another or others. Upon such referral, the Village Attorney shall bring an action in the name of the Village in Circuit Court to permanently enjoin such residency as a public nuisance.*

Chapter 9-3, Offenses Against Property.

- A. Section 9-3-1B is amended to change the penalty amount from \$1,000 to \$5,000.

- B. Section 9-3-5D is amended to read as follows: "Any person who shall violate any provision of this section shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."
- C. Section 9-3-7B(4) is amended as indicated:
Any owner or tenant of property located in the Village of Wild Rose is subject to a fine ~~of \$10~~ as provided in § 1-1-8, General penalty, plus costs compounded daily, and/or a special assessment tax against their property for failure to comply with §§ 9-3-7A and 9-3-7B.
- D. Former Sec. 9-3-9, Issuance of worthless checks, is repealed.
- E. Section 9-3-15A(3).
- (1) Subsection A(3)(a) is amended as indicated: "~~Unless~~ the name and address of the person who printed or the name and address of the person who printed, wrote, compiled or manufactured the same appears thereon."
 - (2) Subsection A(3)(b) is amended as indicated: "~~Unless~~ the name and address of the person who caused the same to be distributed appears thereon; ~~Provided, however, that in the case of a fictitious person or club, in addition to such fictitious name, the true name and addresses of the owner, managers or agents of the sponsoring such handbills shall also appear thereon.~~"

Chapter 9-4, Obscenity.

Section 9-4-2 is added to read as follows: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."

Chapter 10-3, Building Regulations.

Section 10-3-5A is amended to change reference to § 1-1-7 to § 1-1-8.

Chapter 10-4, Floodplain Zoning Ordinance.

- A. Section 10-4-1.
- (1) The definition of "municipal or municipality," is amended as indicated:
~~The county, city or Village governmental units enacting, administering and enforcing this zoning ordinance.~~ The Village of Wild Rose, Waushara County, Wisconsin.

- (2) The definition of "private sewage system" is amended to change "department of industry, labor and human relations" to read "Department of Safety and Professional Services."
- B. Section 10-4-2A is amended as indicated:
Statutory authorization. This chapter is adopted pursuant to the authorization in §§ 61.35 and 62.23, for villages and cities; § 59.69, § 59.692, and § 59.694 for counties; Wis. Stats., and § 87.30, Wis. Stats.
- C. Section 10-4-5.
- (1) Subsection C(3) is amended as indicated: "An accessory structure or use, as defined in ~~§ 10-4-4C~~ § 10-4-1 ..."
- (2) Subsection E is amended to change "par. (4) and (6)" to read "Subsections D and F" in the last sentence thereof.
- D. Section 10-4-8.
- (1) Subsection A(2)(d) is amended as indicated: "All permits issued under the authority of this chapter shall expire ~~(six months/one year)~~ from the date of issuance."
- (2) Subsection C is amended to change "Board of Adjustment/Appeals" to "Appeals Board/Board of Adjustment" in the first sentence thereof.
- E. Section 10-4-10 is amended as indicated in the second sentence thereof:
A violator shall, upon conviction in Municipal Court, forfeit a penalty amount as decided by the Municipal Judge, but not less than \$25 and not more than \$100, together with court costs, assessments, and surcharges pursuant to the provisions of § 1-1-8, General penalty.

Chapter 10-5, Zoning.

- A. Former Sec. 10-5-9(c)f)iii), Mobile home park licenses, is repealed.
- B. Section 10-5-9C(7) is amended to read as follows: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."
- C. Former Sec. 10-5-9(c)h)i), regarding building permit fees, is repealed.
- D. Section 10-5-9C(8)(b)[1] is amended as indicated: "The annual license fee for a mobile home park shall be \$20 for each site within the park, ~~whichever amount is greater.~~"

Chapter 10-6, Fences.

Section 10-6-8 is added to read as follows: "Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punishable as provided in § 1-1-8, General penalty."