

CERTIFICATION

VILLAGE OF ONTARIO

Office of the Clerk-Treasurer

I, **TERESA TAYLOR**, Clerk-Treasurer of the Village of Ontario, Wisconsin, hereby certify that the chapters contained in this volume are based upon the original ordinances of a general and permanent nature of the Village Board of the Village of Ontario and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Village of Ontario, County of Vernon, State of Wisconsin, as adopted by ordinance of the Village Board on September 12, 2005.

Given under my hand and the Seal of the Village of Ontario, County of Vernon, State of Wisconsin, this 12th day of September, at the municipal offices of the Village of Ontario.

s/TERESA TAYLOR


Clerk-Treasurer

GENERAL CODE PUBLISHERS CORP.

INSTRUCTIONS

Village of Ontario Code Supplement No. 1

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE

—

1:1 – 1:3
79:1 – 79:2
A390:1 – A390:2
DL:1

INSERT

Certification Page, (immediately following
Title Page)

1:1 – 1:8
79:1 – 79:2
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DL:1

Legislation, by number or date of adoption, included in this supplement: Charter Ord. No. 01-05; 9-12-2005.

PREFACE

The Village of Ontario has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Village, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Village. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Village Board ordered the following codification of the Village's legislation.

Contents of Code

The various chapters of the Code contain all currently effective ordinances of a general and permanent nature enacted by the Village Board of the Village of Ontario, including revisions or amendments to existing legislation deemed necessary by the Village Board in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Village legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Village legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Part III, Land Use Legislation, contains legislation related to planning and zoning.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

ONTARIO CODE

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1986 Code have been included in the 2005 Code, or the reason for exclusion.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

PREFACE

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Village officials is gratefully acknowledged by the editor. The codification of the legislation of the Village of Ontario reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

TABLE OF CONTENTS

Tools for Finding Information – In addition to the municipality’s legislation, this publication contains tools to help locate information: table of contents, index, chapter outlines (schemes), and a disposition list.

Chapters – Chapters are generally discrete pieces of legislation, but can also be made up of several individual pieces on a related topic. In that case, the individual pieces are arranged into articles or parts within the chapter. The article or part titles can be found in the chapter scheme or by subject in the index. If you are familiar with a former number or title, look for it chronologically in the disposition list.

Reserved Chapters – In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the “Instructions for Amending the Code” in the Preface.

Section Numbering – A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

Scheme – The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Page Numbers – A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral “1.” Thus, Chapter 6 begins on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

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[HISTORY: Adopted by the Village Board of the Village of Ontario as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Construction and Penalties

[Adopted 7-7-1986 as §§ 1-1-2, 1-1-3, 1-1-6 and 1-1-7 of the 1986 Code]

§ 1-1. Principles of construction.

The following rules or meanings shall be applied in the construction and interpretation of this Code, unless such application would be clearly inconsistent with the plain meaning or intent of the Code:

- A. Acts by agents. When an ordinance requires an act to be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. Code and Code of Ordinances. The words "Code," "Code of Ordinances" and "Municipal Code," when used in any section of this Code, shall refer to this Code of Ordinances of the Village of Ontario unless the context of the section clearly indicates otherwise.
- C. Computation of time. In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a

Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturday, Sundays and legal holidays shall be excluded in the computation. As used in this subsection, "legal holiday" means any statewide legal holiday specified by state law.

- D. Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- E. Gender. Every word in this Code referring to the masculine gender shall also be construed to apply to females, and vice versa.
- F. General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Code.
- G. Joint authority. All words purporting to give a joint authority to three or more Village officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- H. Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- I. Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- J. Singular and plural. Every word in this Code referring to the singular number only shall also be construed to apply to several persons or things, and every word in this Code referring to a plural number shall also be construed to apply to one person or thing.
- K. Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- L. Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in this Code, the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time. [Amended 9-12-2005]
- M. Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.
- N. Village. The term "Village" shall mean the Village of Ontario, Vernon County, Wisconsin.

§ 1-2. Conflicting provisions.

- A. If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.

- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provisions.

§ 1-3. Violations and penalties.

- A. General penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty which shall be as follows: [Amended 9-12-2005]

- (1) First offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
 - (2) Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$500 nor more than \$2,000 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Other remedies. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

§ 1-4. Documents incorporated by reference.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Village Clerk-Treasurer shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Clerk-Treasurer, subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.¹

1. Editor's Note: See Ch. 92, Records.

ARTICLE II
Adoption of Code
[Adopted 9-12-2005]

§ 1-5. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Village of Ontario of a general and permanent nature adopted by the Village Board of the Village of Ontario, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 370, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Village of Ontario," hereinafter referred to as the "Code."

§ 1-6. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force,

§ 1-7. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-8. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk-Treasurer and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Village Clerk-Treasurer, and such certified copy shall remain on file in the office of said Village Clerk-Treasurer to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-9. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Village Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Ontario" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-10. Publication; filing.

The Clerk-Treasurer of the Village of Ontario, pursuant to law, shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk-Treasurer for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-11. Code book to be kept up-to-date.

It shall be the duty of the Village Clerk-Treasurer, or someone authorized and directed by the Clerk-Treasurer, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk-Treasurer's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-12. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk-Treasurer or an authorized agent of the Clerk-Treasurer upon the payment of a fee to be set by the Village Board. The Clerk-Treasurer may also arrange for procedures for the periodic supplementation of the Code.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Ontario to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$500, in the discretion of the Judge imposing the same.

§ 1-14. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-15. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-16. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

§ 1-17. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-16 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to November 8, 2004.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Village's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map.
- O. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.
- P. Any ordinance or portion of an ordinance establishing sewer or water rates and charges.

§ 1-18. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Village of Ontario, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsections B and C hereof. In addition, certain grammatical changes and other minor - nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Village Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The following changes are made throughout the Code:
 - (1) References to specific chapters and sections of the Wisconsin Statutes and Wisconsin Administrative Code are revised to reflect the numbering of the statutes and Administrative Code as of the publication of this Code.
 - (2) References to the "Department of Health and Social Services" are amended to read "Department of Health and Family Services."
 - (3) References to the "Department of Industry, Labor and Human Relations" are amended to read "Department of Commerce."
 - (4) References to the "Department of Agriculture" are amended to "Department of Agriculture, Trade and Consumer Protection."
 - (5) All references to "Clerk" and "Treasurer" are amended to read "Clerk-Treasurer."
 - (6) References to the "Committee on Finance, Licenses and Personnel" are amended to read "Committee on Finance, Licenses, Ordinances and Personnel."
 - (7) Specific fees are removed and replaced with the wording "as set by the Village Board," except in § 210-19D(1).
- C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of

this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)²

§ 1-19. When effective.

This ordinance shall take effect upon passage and publication as required by law.

2. **Editor's Note:** In accordance with § 1-18C, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article II. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 9-12-2005." Schedule A, which contains a complete description of all changes, is on file in the village offices.

ORDINANCE #02-2012

AN ORDINANCE TO AMEND AND RECREATE SECTION 342-30, OF THE CODE OF ORDINANCES OF THE VILLAGE OF ONTARIO, WISCONSIN.

WHEREAS, Chapters NR 810 and SPS 382, Wisconsin Administrative Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, the Wisconsin Department of Natural Resources requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems;

NOW, THEREFORE, be it ordained by the Village Board of the Village of Ontario, Vernon County, as follows:

§342-30 Cross-Connection Control.

A. Definition. "Cross-connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the village water public system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

B. Unprotected Cross connections prohibited. No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in ch. SPS 382, Wisconsin Administrative Code.

C. Inspection. The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. The frequency of inspections shall be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph F of this ordinance.

D. Right of Entry. Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph F of this ordinance. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes, may be obtained.

E. Provision of requested information. The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping system on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph F of this ordinance.

F. Discontinuation of water for violation. The water utility may discontinue water service to any property wherein any unprotected connection in violation of this ordinance exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in paragraph G of this ordinance. Water service to such property shall be restored until the unprotected cross connection has been eliminated.

G. Emergency discontinuance. If it is determined by the water utility that an unprotected cross connection or emergency endangers public health, safety or welfare, and requires immediate action, and if a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

Passed by the Village Board of the Village of Ontario on the 13 day of Feb., 2012.

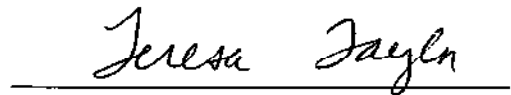
Approved by the Village President on the 13 day of Feb., 2012.

APPROVED:

ATTEST:



Mark Smith, Village President



Teresa Taylor, Clerk/Treasurer

Chapter 5

ADMINISTRATIVE DETERMINATION REVIEW

- | | |
|---|---|
| § 5-1. Right to review; election of remedies. | § 5-7. Request for review of determination. |
| § 5-2. Determinations subject to review. | § 5-8. Review of determination. |
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| § 5-6. Reducing determination to writing. | § 5-12. Judicial review. |
| | § 5-13. Legislative review. |

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 2, Ch. 8 of the 1986 Code. Amendments noted where applicable.]

§ 5-1. Right to review; election of remedies.

Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, officer or employee of the Village or agent acting on its behalf may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

§ 5-2. Determinations subject to review.

The following determinations are reviewable under this chapter:

- A. The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except an alcohol beverage license.¹
- B. The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in § 5-3D.
- C. The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- D. The imposition of a penalty or sanction upon any person, except a municipal employee or officer, other than by a court.
- E. The suspension or removal of a Village officer or employee, except as provided in § 5-3B and G.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 5-3. Determinations not subject to review.

The following determinations are not reviewable under this chapter:

- A. A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Village Board.
- B. Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- C. The denial of a tort or contract claim for money required to be filed with the Village under § 62.25, Wis. Stats.
- D. The grant, denial, suspension or revocation of an alcohol beverage license under § 125.12(1), Wis. Stats.²
- E. Judgments and orders of a court.
- F. Determinations made during municipal labor negotiations.
- G. Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

§ 5-4. Municipal authority.

"Municipal authority" includes the Village Board and any commission, committee, agency, officer, employee or agent of the Village making a determination under § 5-1 and every person, committee or agency of the Village to make an independent review under § 5-8B.

§ 5-5. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization, officer, department, board, commission or agency of the Village whose rights, duties or privileges are adversely affected by a determination of a municipal authority. A department, board, commission, agency, officer or employee of the Village who is aggrieved may not initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the Village but may respond or intervene in a review proceeding under this chapter initiated by another.

§ 5-6. Reducing determination to writing.

If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed, that such

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

review may be obtained within 30 days, and of the office or person to whom a request for review shall be addressed.

§ 5-7. Request for review of determination.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body which made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

§ 5-8. Review of determination.

- A. **Initial determination.** If a request for review is made under § 5-7, the determination to be reviewed shall be termed an "initial determination."
- B. **Who shall make review.** A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body which made the initial determination. However, an independent review of such determination by another person, committee or agency of the Village, appointed by the Village President without confirmation, shall be provided if practicable.
- C. **When to make review.** The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- D. **Right to present evidence and argument.** The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- E. **Decision on review.** The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and of the office or person with whom notice of appeal shall be filed.

§ 5-9. Administrative appeal.

- A. **From the initial determination or decision on review.**
 - (1) If the person aggrieved had a hearing substantially in compliance with § 5-10 when the initial determination was made, he may elect to follow §§ 5-6 through 5-8 but is not entitled to a further hearing under § 5-10 unless granted by the municipal authority. He may, however, seek judicial review under § 5-12.

- (2) If the person aggrieved did not have a hearing substantially in compliance with § 5-10 when the initial determination was made, he shall follow §§ 5-6 through 5-8 and may appeal under this section from the decision made under § 5-8.
- B. Time within which appeal may be taken under this section. Appeal from a decision on review under § 5-8 may be taken within 30 days of notice of such decision.
- C. How appeal may be taken. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.

§ 5-10. Hearing on administrative appeal.

- A. Time of hearing. The Village shall provide the appellant a hearing on an appeal under § 5-9 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the Village Attorney, who shall forthwith advise the Village President of such appeal.
- B. Conduct of hearing. At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Village President shall appoint, without confirmation, an impartial decision maker who may be an officer, committee, board or commission of the Village or the Village Board which did not participate in making or reviewing the initial determination, which shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Village President to conduct the hearing and report to the decision maker.
- C. Record of hearing. The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village.
- D. Hearing on initial determination. Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

§ 5-11. Final determination.

- A. Within 20 days of completion of the hearing conducted under § 5-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.

- B. A determination following a hearing substantially meeting the requirements of § 5-10 or a decision on review under § 5-8 following such hearing shall be a final determination, judicial review of which may be obtained under § 5-12.

§ 5-12. Judicial review.

- A. Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- B. The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Village, and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

§ 5-13. Legislative review.

- A. Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the Village Board or any of its boards, commissions, committees or agencies which may have jurisdiction.
- B. If in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the Village Board, board, commission, committee or agency shall be made part of the record on review under § 5-12.
- C. The Village Board, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under § 5-10.

Chapter 10

ASSESSMENTS

ARTICLE I Special Assessments and Charges

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| <p>§ 10-1. Authority to levy; amount assessed.</p> <p>§ 10-2. Resolution and report required.</p> <p>§ 10-3. Costs to be paid by special assessment.</p> <p>§ 10-4. Exemptions; deductions.</p> <p>§ 10-5. Notice of proposed or approved project.</p> | <p>§ 10-6. Board actions after hearing.</p> <p>§ 10-7. Combined assessments.</p> <p>§ 10-8. Reconsideration of assessment.</p> <p>§ 10-9. Reduction of assessment; refunds.</p> <p>§ 10-10. Appealed assessments payable when due.</p> <p>§ 10-11. Special assessment a lien on property.</p> <p>§ 10-12. Special charges.</p> <p>§ 10-13. General provisions.</p> |
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[HISTORY: Adopted by the Village Board of the Village of Ontario as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Budget and finance — See Ch. 23.

ARTICLE I Special Assessments and Charges [Adopted 7-7-1986 as Title 2, Ch. 6 of the 1986 Code]

- § 10-1. Authority to levy; amount assessed.
- A. The Village of Ontario by resolution of its Village Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments.¹
- B. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Village Board.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 10-2. Resolution and report required.

- A. Prior to making any such special assessments, the Village Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, and the number of installments in which the special assessments may be paid, or that the number of installments will be determined at the hearing required under § 10-5 of this article, and shall direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.
- B. The report required by Subsection A shall consist of:
- (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate, as to each parcel of property affected, of:
 - (a) The assessment of benefits to be levied.
 - (b) The damages to be awarded for property taken or damaged.
 - (c) The net amount of such benefits over damages or the net amount of such damages over benefits.
 - (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case the estimates required under Subsection B(3) shall be replaced by a schedule of the proposed assessments.
- C. A copy of the report when completed shall be filed with the Village Clerk-Treasurer for public inspection.
- D. When the Village Board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by § 66.0703(5), Wis. Stats., and Subsections A and B above shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

§ 10-3. Costs to be paid by special assessment.

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

§ 10-4. Exemptions; deductions.

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

§ 10-5. Notice of proposed or approved project. ²

On the completion and filing of the report required in § 10-2C of this article, the Village Clerk-Treasurer shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the Village Board or committee thereof and be heard concerning the matters contained in the preliminary resolution and report. The notice shall be published as a Class 1 notice, under Ch. 985, Wis. Stats., in the official Village newspaper 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. The hearing shall commence not less than 10 days and not more than 40 days after the publication or posting of said notice.

§ 10-6. Board actions after hearing.

- A. After the hearing, the Village Board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- B. If an assessment is made against any property and an award of compensation or damage is made in favor of the property, the Village Board shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- C. If the work or improvement has not been previously authorized or approved, the Village Board shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
- D. If the work or improvement has been approved by the Village Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the Village Board shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- E. The Village Clerk-Treasurer shall publish the final resolution as required in § 10-5 of this article.
- F. After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized, and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by § 66.0703(12), Wis. Stats., or any other applicable provision of law.

§ 10-7. Combined assessments.

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

§ 10-8. Reconsideration of assessment.

If after completion or after the receipt of bids the actual cost of any work or improvement is found to vary materially from the original estimate, the assessment is void or invalid for any reason, or the Village Board determines to reconsider an assessment, it is empowered, after giving notice as required in § 10-5, to amend, cancel or confirm any prior assessment, and notice of this amending, canceling or confirming shall be given by the Village Clerk-Treasurer as provided in § 10-6 of this article.

§ 10-9. Reduction of assessment; refunds.

If the cost of the work or improvement is less than the assessment levied, the Village Board without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the Village shall refund the property owner such overpayment.

§ 10-10. Appealed assessments payable when due.

Pursuant to § 66.0703(12)(f), Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable, and upon default in payment any such appeal shall be dismissed.

§ 10-11. Special assessment a lien on property.

Pursuant to § 66.0703(13), Wis. Stats., any special assessment levied under this article shall be a lien on the property against which it is levied on behalf of the Village. The Village Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Village Board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

§ 10-12. Special charges.

- A. In addition to all other methods provided by law, special charges for current services 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, recycling, stormwater management, including construction of stormwater management facilities, removal and disposition of dead animals, soil conservation work and tree care or removal. 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.³
- B. Such special charges shall not be payable in installments. If not paid within the period fixed by the Village Board, such delinquent charge shall become a lien as provided in § 10-11 of this article.
- C. Section 10-2A of this article shall not be applicable to proceedings under this section.

§ 10-13. General provisions.

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

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 18

BOARDS, COMMITTEES AND COMMISSIONS

§ 18-1. Board of Review.

§ 18-3. Library Board.

§ 18-2. Board of Health.

§ 18-4. Meetings; public notice; minutes.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 2, Ch. 4 of the 1986 Code. Amendments noted where applicable.]

§ 18-1. Board of Review.

- A. Composition. The Board of Review shall consist of the Village President, the Village Clerk-Treasurer, and three Trustees of the Village Board. The three Trustee members shall be annually appointed at the Board's organizational meeting in April.
- B. Duties. The duties and functions of the Board of Review shall be as prescribed in §§ 70.46 and 70.47, Wis. Stats.
- ~~C. Compensation. Compensation for the members of the Board of Review shall be as is established by the Board of Trustees at the organizational meeting in April. Compensation shall include per diem, and may include a mileage quotation, if necessary~~
- D. Meetings. The Board of Review shall meet annually on the second Monday of May, and notice of such meeting shall be published pursuant to the state statutes. The Board, through the Clerk-Treasurer, shall establish its meeting hours pursuant to § 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time until such time as its business is completed, provided that adequate notice of each adjournment is so given.

§ 18-2. Board of Health.

- A. Composition. The Board of Health shall consist of the members of the Village Board's Committee on Health.
- B. Power of appointment. The Board of Health may appoint persons to aid it.
- C. Responsibilities; powers.
 - (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health to assume the general administration of health and sanitation laws and regulations in the Village, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the State Board of Health and the ordinances of the Village.

- (2) The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the Village. All orders and regulations of the Board shall be published in the official newspaper and after publication shall have the force and effect of ordinances, including penalty for violation.

§ 18-3. Library Board.

A. Organization; terms; quorum; officers.

- (1) There is hereby created, pursuant to Ch. 43, Wis. Stats., a Municipal Library Board for the Village of Ontario, consisting of a seven-member Board in three classes, three of such members to serve for a period of three years, two to serve for two years, and two to serve for a period of one year.
- (2) Terms of such members shall be from July 1 in the year of their appointment, and thereafter each regular appointment shall be for a term of three years. Not more than one member of the Village Board shall at any one time be a member of the Library Board. Members shall be appointed by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one of the Library Board members a school district administrator, or his representative, to represent the public school district or districts in which the library is located.
- (3) A majority of the membership of the Board shall constitute a quorum.
- (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within 30 days after the time designated in this section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other officers that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

B. Duties and powers. The Library Board shall have the duties and powers as prescribed by Ch. 43 and more particularly set forth in § 43.58, Wis. Stats.

§ 18-4. Meetings; public notice; minutes.

A. Regular meetings; public notice. Every board, committee and commission created by or existing under the ordinances of the Village of Ontario shall:

- (1) Fix a regular date, time and place for its meetings;
- (2) Publish notice in the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof; and
- (3) Post, on the front door of the Village Hall, an agenda of the matters to be taken up at such meeting.

B. Special meetings. Nothing in Subsection A shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good

cause, but such special meetings shall nonetheless comply in all respects with the provisions of §§ 19.81 to 19.89, Wis. Stats.

- C. Minutes. The secretary of each board, committee and commission shall file a copy of the meeting minutes of such board or commission with the Village Clerk-Treasurer.