

Chapter 125

BICYCLES AND PLAY VEHICLES

§ 125-1. Bicycles.

§ 125-2. Play vehicles.

[HISTORY: Adopted by the Village Board of the Village of Ontario 5-14-2001 (Title 8, Ch. 2 of the 1986 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation — See Ch. 263.
Streets and sidewalks — See Ch. 309.

Vehicles and traffic — See Ch. 335.

§ 125-1. Bicycles.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

BICYCLE — Every device propelled by the feet acting upon pedals and having wheels, any two of which are more than 16 inches in diameter.

DRIVER-OPERATOR — Every person who drives or is in actual physical control of a vehicle.

MOTOR VEHICLE — Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated on rails.

OWNER — A person, other than a lien holder, having the property in or title to the vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lease under a lease not intended as security.

PEDESTRIAN — Any person a foot.

REFLECTOR — Any device constructed of metal and/or glass and/or plastic which will be visible from all distances within 50 to 300 feet directly in front of a motor vehicle at night displaying lawfully lighted headlights, such device to be so constructed as to show a red color when struck by the motor vehicle lights above stated, and such device to be affixed to the rear of the bicycle at any point on the frame or mudguard at a height between the axis of the wheel and the bottom of the rider's seat.

REGISTRATION TAG — A metal plate or a sticker indicating the bicycle is registered.

SIDEWALK — That portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines which is intended for use by pedestrians.

B. Registration required.¹

- (1) No person, regardless of age, shall ride or propel a bicycle customarily kept within the Village on any street or upon any public path set aside for the exclusive use of bicycles, unless such bicycle has been registered and a registration tag and/or sticker is attached thereto as provided herein.
- (2) Registration shall be made by filing with the Police Department the name and address of the owner, together with a complete description of the bicycle, on forms provided by said Department and paying a lifetime registration fee as set by the Village Board.² Registration shall be serially numbered to correspond to the registration number. Such tag shall remain affixed to the bicycle unless removed by said Department for cause. In case of theft or loss, a duplicate tag shall be issued for a fee as set by the Village Board.
- (3) At the time of issuance of any registration tag, the applicant shall pay a registration fee. Registration tags issued in accordance with this section shall be attached to the bicycle immediately after issuance.
- (4) This section shall apply to all Village residents and to such nonresidents who operate bicycles upon the Village streets habitually or frequently. It shall not apply to casual travelers or tourists passing through the Village on their bicycles.
- (5) A rental agency within the Village shall not rent or offer any bicycle for rent unless the bicycle is registered and a registration sticker is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required by the State Motor Vehicle Code.
- (6) All bicycles shall be registered within five days of purchase.
- (7) Bicycles are to be in safe mechanical condition. The Police Department shall refuse to register any bicycle found to be in unsafe mechanical condition or not equipped as herein required.
- (8) No person shall intentionally take or ride a bicycle without the consent of the owner.
- (9) The Police Department may cancel the registration of and remove the registration tag from, or impound for not to exceed 30 days, any bicycle being operated upon any street in the Village in an unsafe manner or in violation of any state law or local ordinance, and such cancellation of registration and removal of the registration tag or impoundment shall be in addition to the other penalties provided hereunder.
- (10) All abandoned bicycles and unidentified bicycles remaining in the Police Department shall, at the end of one year, be sold at an auction.

C. Street operation.

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

2. Editor's Note: See Ch. A390, Fees.

- (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three feet between his bicycle and that vehicle.
 - (2) Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop the vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
 - (3) Every person operating a bicycle upon a roadway shall ride such bicycle in single file.
 - (4) No person over the age of 10 shall ride or propel any bicycle upon any public sidewalk or thoroughfare of the Village set apart for pedestrians, except bicycles having wheels 20 inches and under. This exception shall not apply to twenty-inch or under bicycles designed or modified to BMX specifications.
 - (5) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with handholds, footrests and a safety belt. The use of a backpack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
 - (6) No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.
 - (7) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
 - (8) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals or practice any acrobatic or fancy riding on any street.
 - (9) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that riding is prohibited.
 - (10) The provisions of Ch. 346, Wis. Stats., shall be applicable to the operation of bicycles where appropriate.
- D. Violations and penalties. Every person convicted of a violation of any provision of this section shall forfeit \$10 to \$200 or be subject to detention of his bicycle for not more than 30 days.

§ 125-2. Play vehicles.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CANOE — A long, narrow boat with sharp ends and curved sides that is propelled by paddles.

IN-LINE SKATES — Skates with wheels arranged singly in a tandem line rather than in pairs.

PLAY VEHICLE — A coaster, skateboard, roller skates, sled, toboggan, unicycle or any vehicle upon which any person may ride. This does not include in-line skates.

- B. It shall be unlawful for anyone to operate or ride any play vehicle or use in-line skates on any sidewalk, municipal parking area or private property where a sign installed by the owner or person in lawful possession thereof prohibits such activity within the Village.
- C. It shall be unlawful for anyone to operate a canoe without the owner's consent. "Operate" includes the physical manipulation of the canoe. This also applies to anyone that knows that the owner does not consent to the operation of a canoe and intentionally accompanies as a passenger in the canoe.
- D. Violations and penalties. Every person convicted of a violation of any provision of this section shall forfeit \$10 to \$200.

Chapter 131

BRUSH, GRASS AND WEEDS

§ 131-1. Regulation of length of lawn and grasses.

§ 131-2. Destruction of noxious weeds.

§ 131-3. Regulation of natural lawns.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as §§ 6-1-6, 6-1-7 and 6-1-8 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Open burning — See Ch. 142.
Fire prevention — See Ch. 187.
Nuisances — See Ch. 252.

Property maintenance — See Ch. 273.
Trees and shrubs — See Ch. 322.

§ 131-1. Regulation of length of lawn and grasses.

- A. Purpose. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Ontario.
- B. Findings; public nuisance declared. The Village Board finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to § 131-3 below.
- C. Nuisances prohibited. No person, firm or corporation shall permit any public nuisance as defined in Subsection B above to remain on any premises owned or controlled by him within the Village.
- D. Inspection. The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection B above exists.
- E. Determination of nuisance; notice of hearing; Board findings.
 - (1) If the inspecting officer shall determine with reasonable certainty that any public nuisance as defined in Subsection B above exists, he shall immediately report such existence to the Village Board, which shall, if it determines that such nuisance exists, cause notice to be served that the Village Board proposes to have the lot

grass or lawn cut so as to conform to this section and that a hearing will be held before the Village Board for the purpose of ordering such mowing.

- (2) The notice shall be served at least five days prior to the date of the hearing and shall be mailed to or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant of the time and place at which the hearing will be held.
 - (3) At the hearing, the owner may appear in person or by his attorney and may present witnesses in his behalf.
 - (4) After the hearing the Village Board shall make its determination in writing specifying its findings of fact and conclusions. If it determines that a public nuisance does exist, it shall order the inspecting officer to mail or serve the owner of the property, if he can be found, or the occupant thereof a written notice to abate the nuisance with five days of the service of the notice.
- F. Village's option to abate nuisance. In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then and in that event the Village may elect to cut said lawn, grass or weeds as follows:
- (1) Written notice shall be personally served, delivered or mailed by certified mail informing said person of his or her failure to abate the nuisance, the Village's intention to abate the same, and the potential costs thereof no less than 24 hours prior to the Village's cutting of the lawn, grass or weeds.
 - (2) The Village shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the Clerk-Treasurer, who in turn shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate or as provided under § 66.0907(3)(f), Wis. Stats.

§ 131-2. Destruction of noxious weeds.

- A. The Village Clerk-Treasurer shall annually on or before May 15 publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that said Weed Commissioner, after the expiration of the five-day period, will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are

located under the provisions of § 66.0407, Wis. Stats. In case the owner or occupant shall further neglect to comply with such five-day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method, and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

- C. As provided for in § 66.0407(2), Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which if allowed to pollinate would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin.

- (1) Noxious weeds, as defined in this section and in § 131-1, shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)
Ambrosia artemisiifolia (Common ragweed)
Ambrosia trifida (Great ragweed)
Euphorbia esula (Leafy spurge)
Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
Tragopogon dubius (Goat's Beard)
Rhus radicans (Poison ivy)
Cirsium vulgaries (Bull thistle)
Pastinaca sativa (Wild parsnip)
Arctium minus (Burdock)
Xanthium strumarium (Cocklebur)
Amaranthus retroflexus (Pigweed)
Chenopodium album (Common lambsquarter)
Rumex Crispus (Curled dock)
Cannabis sativa (Hemp)
Plantago lanceolata (English plantain)

- (2) Noxious grasses, as defined in this section and in § 131-1, shall include but not be limited to the following:

Agrostia alba (Redtop)
Dactylis glomerata (Orchard)
Phleum pratensis (Timothy)
Poa pratensis (Kentucky blue)

Sorghum halepense (Johnson)
Setaria (Foxtail)

§ 131-3. Regulation of natural lawns.

- A. Natural lawns defined. "Natural lawn" as used in this section shall include common species of grass and wildflowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in § 131-2 of this chapter. The growth of a natural lawn in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits unless a natural lawn management plan is approved and a permit is issued by the Village as set forth in this section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- B. Natural lawn management plan; permit for natural lawn.
- (1) "Natural lawn management plan" as used in this section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
 - (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property owner" shall be defined to include the legal titleholder and/or the beneficial owner of any such lot according to the most current Village records. Natural lawn management plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property, including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than 10 feet adjacent to the street where there is no sidewalk, whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within 10 feet of the abutting property owners' property unless waived in writing by the abutting property owner on the side so affected. Such waiver shall be affixed to the lawn management plan.
 - (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver, thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten-foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten-foot section abutting the neighboring property owner. The Village shall

revise the approved natural lawn permit accordingly. The owner of the approved natural lawn shall be required to remove the ten-foot section abutting the neighboring property owner within 20 days of receipt of the written notification from the Village, provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 2 and April 30 shall be required to remove the ten-foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

C. Application process.

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a nonrefundable filing fee as set by the Village Board will be assessed by the Village.¹ Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed with the Village Assessor, who are owners of the property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If within 15 calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from 51% or more of the neighboring property owners, the Clerk-Treasurer shall immediately deny the application. "Neighboring property owners" shall be defined as all those property owners who are located within 300 feet of the proposed natural lawn site.
- (2) If the property owner's application is in full compliance with the natural lawn management plan requirements and less than 51% of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to install a natural lawn.

D. Application for appeal. The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the natural lawn management plan. The decision rendered by the Village Board shall be final and binding.

E. Safety precautions for natural grass areas.

- (1) When in the opinion of the Fire Chief the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within three days upon receiving written direction from the Fire Chief.
- (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the lawn

1. Editor's Note: See Ch. A390, Fees.

management plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to ensure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawn, thereby ensuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be \$300,000.

- F. Revocation of an approved natural lawn permit. The Village Clerk-Treasurer shall have the authority to revoke an approved natural lawn permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in the approved natural lawn management plan or any requirements set forth in this section. Notice of intent to revoke an approved natural lawn permit shall be appealable to the Village Board. All applications for appeal shall be submitted within 15 calendar days of receipt of the written notice of intent to revoke the approved natural lawn permit. Failure to file an application for appeal within 15 calendar days shall result in the revoking of the natural lawn permit. All written applications for appeal filed within the required 15 calendar days shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.
- G. Public nuisance defined; abatement after notice.
- (1) The growth of a natural lawn as defined in this section shall be considered a public nuisance unless a natural lawn management plan has been filed and approved and a permit is issued by the Village as set forth in this section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
 - (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within 10 days, the enforcement officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within 10 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by state statute.
 - (3) The failure of the Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this section.
- H. Violations and penalties.
- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in Chapter 1, § 1-3.

- (2) In addition to any penalties herein provided, the Village may issue stop-work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.

Chapter 135

BUILDING CONSTRUCTION

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| § 135-1. Title; purpose; permit required. | § 135-7. Basements. |
| § 135-2. Application for building permit. | § 135-8. Discharge of clear water. |
| § 135-3. State Uniform Dwelling Code adopted. | § 135-9. Radio or television antenna towers. |
| § 135-4. Severability. | § 135-10. Fences and hedges. |
| § 135-5. State Building Code adopted. | § 135-11. Swimming pools. |
| § 135-6. Unsafe buildings. | § 135-12. Smoke detectors. |

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 10, Ch. 4 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Driveways — See Ch. 169.
Fire prevention — See Ch. 187.
Mobile homes — See Ch. 240.
Sewer Utility — See Ch. 294.

Water Utility — See Ch. 342.
Floodplain zoning — See Ch. 350.
Subdivision of land — See Ch. 364.
Zoning — See Ch. 370.

§ 135-1. Title; purpose; permit required.

- A. Title. This chapter shall be known as the "Building Code of the Village of Ontario" and will be referred to in this chapter as "this code" or "this chapter."
- B. Purpose. This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings and the general public.
- C. General permit required. No building, building moving or razing shall be performed in the Village of Ontario unless a permit therefor is obtained as required in the provisions of this chapter.
- D. Payment of fees. All fees shall be paid to the Clerk-Treasurer, and no permit shall be issued until fees as prescribed by this chapter have been paid.
- E. Permit lapses. A building permit shall lapse and be void unless operations under the permit are commenced within six months from the date of issuance thereof. The permit shall also lapse if work is discontinued for a period of six months or more, and a new permit will have to be obtained before work can be started again.

§ 135-2. Application for building permit.

- A. Permit required. No building or any part thereof shall hereafter be erected within the Village of Ontario or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Village Clerk-Treasurer by the owner or his authorized agent. The term "building" as used in this section shall include any building, mobile home or structure and any enlargement, alteration, heating or ventilating installation, sign, building moving, building razing, or anything affecting the fire hazards or safety of any building or structure. **[Amended 6-8-1998]**
- B. Application. Application for a building permit shall be made in writing upon a form furnished by the Village Clerk-Treasurer and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, the approximate construction costs of the proposed improvements and such other information as the Building Inspector may require.
- C. Dedicated street required. No building permit for a residential structure shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.
- D. Utilities required.
- (1) Residential buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
- (2) Nonresidential building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
- E. Fees. Fees for a building permit and for the Building Inspector shall be established by resolution by the Village Board. **[Amended 11-13-2000]**

§ 135-3. State Uniform Dwelling Code adopted.

- A. State code adopted. The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chs. COMM 20 to 25, Wis. Adm. Code, are hereby adopted and by reference made a part of this chapter as if fully set forth herein, except those provisions related to inspection and enforcement by a certified Village Building Inspector. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of one- and two-family dwellings in the Village of Ontario.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADDITION — New construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION — A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

DEPARTMENT — The Department of Commerce.

DWELLING —

- (1) Any building, the initial construction of which is commenced on or after the effective date of this chapter, which contains one or two dwelling units; or
- (2) An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

MINOR REPAIR — Repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

ONE- OR TWO-FAMILY DWELLING — A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

PERSON — An individual, partnership, firm or corporation.

UNIFORM DWELLING CODE — Those Administrative Code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Ch. COMM 20	Administration and Enforcement
Ch. COMM 21	Construction Standards
Ch. COMM 22	Energy Conservation
Ch. COMM 23	Heating, Ventilating and Air Conditioning
Ch. COMM 24	Electrical Standards
Ch. COMM 25	Plumbing

- C. Method of enforcement. There is hereby created the position of Building Inspector, who shall administer and enforce this chapter and shall be certified by the Division of Safety and Buildings, as specified by § 101.66(2), Wis. Stats., in the category of Uniform Dwelling Code Construction Inspector. Additionally, this Inspector or other assistant

inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. [Amended 9-11-2000¹]

§ 135-4. Severability.

If any section, clause, provision or portion of this chapter or of Chs. COMM 20, 21, 22, 23, 24 and 25, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

§ 135-5. State Building Code adopted.²

The Building and Heating, Ventilating and Air Conditioning Code, Chs. COMM 61 through 65, Wis. Adm. Code, both inclusive and all amendments thereto, is hereby made a part of this chapter by reference and shall apply to all new construction, additions, alterations, remodeling, repairs and change of occupancies to all buildings and structures, except one- and two-family dwellings and accessory buildings thereto.

§ 135-6. Unsafe buildings.

Whenever the Village Board finds any building or part thereof within the Village to be in its judgment so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Board shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in § 66.0413, Wis. Stats.

§ 135-7. Basements.

First-floor subflooring shall be completed within 60 days after the basement is excavated.

§ 135-8. Discharge of clear water.

- A. Discharge into sanitary sewer. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- B. Nuisance. The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is

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

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

hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of property.

- C. Groundwater. Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter or dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- D. Stormwater. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging stormwaters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- E. Storm sewer lateral. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- F. Conducting tests. If the Building Inspector or his designated agent suspects an illegal clear water discharge, as defined by this code or by any other applicable provision of the Wisconsin Administrative Code as it may from time to time be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.
- G. Compliance and penalty. Any person determined to be in violation of any provision of this section shall be given a written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation beyond the foregoing time limits shall, upon conviction thereof, be subject to the penalties of Chapter 1, § 1-3, of this Code.³

§ 135-9. Radio or television antenna towers.

- A. No radio or television antenna tower shall be erected or installed within the front yard or side yard. The rear setback and the side setback in rear yards shall be that for the principal structure within the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Village Board.
- B. No radio or television tower shall exceed a height of 20 feet above the roofline of the building on the property upon which the antenna is located or 60 feet above the ground measured at grade level, whichever is the minimum.

3. Editor's Note: Original § 10-4-9, Satellite earth stations, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, the National Electrical Safety Code and the instructions of the manufacturer; in cases of conflict, the stricter requirements shall govern.

§ 135-10. Fences and hedges.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

DECORATIVE FENCE — A fence not exceeding a height of 36 inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern) and not solid pattern (such as a block, concrete or privacy pattern).

FENCE — Any enclosure or barrier, solid or otherwise, made of wood, iron, stone or other material, as around or along a yard, walkway, field or other area, and shall include a decorative fence.

HEDGE — A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

PICKET FENCE — A fence having a pointed post, stake, pale or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.

RETAINING WALL — A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this section.

- B. Fence standards.

- (1) Residential fences are permitted in residential areas but shall not in any case exceed a height of seven feet, shall not exceed a height of four feet in the street yard and shall not be closer than two feet to any public right-of-way. Residential fences shall have a two-foot rear and side yard setback from a property line.⁴
- (2) Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (3) Prohibited fences. No fence shall be constructed which is a barbed wire fence, which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or higher and project toward the fenced property and away from any public area.
- (4) Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

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

- C. Hedges. The height and setback for hedges shall be the same as outlined for fences in Subsection B hereof; provided, however, hedges three feet in height or less from sidewalk level may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four feet of any street or alley. Hedges shall be trimmed and maintained.
- D. Temporary fences. Fences erected for the protection of planting, to warn of construction hazards, or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in Subsection B. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days.

§ 135-11. Swimming pools.

- A. Permit required. No swimming pools shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building permit and without being in conformity with the provisions of this chapter.
- B. Fencing required. Every person who owns, operates, uses, has custody or control of or has the right to use any swimming pool located in the Village shall erect and maintain a fence or barriers around such swimming pool to prevent children from falling into such swimming pool, subject to the following specifications:
 - (1) Permanent pools shall be completely isolated from adjoining properties by a fifty-inch- high fence which must be constructed and maintained in good state of repair and appearance.
 - (2) Aboveground pools must have pool side walls or fencing completely surrounding them or a combination thereof which totals a minimum of 40 inches in height above grade.
 - (3) Portable pools over one foot in depth must be drained, fenced or covered in such a manner as to provide public safety after each day's use.
- C. Location and yard requirements. No swimming pool shall be erected to the front or side of the residence of the owner or occupant of the premises connected therewith; no swimming pool shall be constructed on property which would make it incapable of conforming to present requirements.

§ 135-12. Smoke detectors. ⁵

Chapter COMM 28, Smoke Detectors, Wis. Adm. Code, is hereby adopted and made a part of this chapter by reference.

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

Chapter 142

BURNING, OPEN

§ 142-1. Prohibited acts; burning in incinerators.

§ 142-2. Exceptions.

§ 142-3. Authority of Fire Chief.

§ 142-4. Burning on streets.

§ 142-5. Liability for damage.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as § 3-1-10 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 131.
Fire prevention— See Ch. 187.

Nuisances — See Ch. 252.

§ 142-1. Prohibited acts; burning in incinerators.

- A. Except as provided in § 142-2 below, no person shall keep or maintain, make or cause to be made any fire for the burning of any combustible material on any premises, public or private, within the Village except a rubbish burner or incinerator constructed of metal or stone and covered with not larger than one-fourth-inch hardware cloth or similar material so as to prevent the escape of sparks and burning material. Such rubbish burner shall be located not less than 25 feet from any building or structure and not less than 25 feet from any lot line.
- B. Only readily combustible materials may be burned in closed rubbish burners or incinerators. No person shall burn any plastic, tires, garbage, oily rags or other materials likely to produce objectionable smoke or odors when burned.

§ 142-2. Exceptions.

- A. The prohibition stated in § 142-1 shall not apply to the following:
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use or small campfires on private property.
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief.
 - (3) Ceremonial campfires or bonfires, with prior written approval of the Fire Chief.
 - (4) Controlled burning of dry leaves and other nonoffensive dry yard debris during the periods of April 1 through May 31 and October 1 through November 30 of each year; provided, however, that such burning is:

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

- (a) Monitored by a responsible person until the fire has extinguished itself completely.
 - (b) Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety.
 - (c) Located off the public street pavement or street gutter.
 - (d) Located at least 30 feet from any neighboring residence.
 - (e) Not used for covert incineration of offensive substances or materials
- B. Other occasions of desirable outdoor burning not specified by this section, but not as an alternative to refuse removal or disposal for which other methods are available, may be granted single-occasion approval as in Subsection A(2) and (3) above.
- C. Whenever approval and special permit are granted by the Fire Chief under Subsections A(2) and (3) and B of this section, the permit may specify and be conditioned on observance of safety restrictions set forth therein.²

§ 142-3. Authority of Fire Chief.

The Fire Chief is permitted to prohibit and extinguish any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous or when complaints are received regarding smoke or ash residue infringing on adjacent properties.

§ 142-4. Burning on streets.

No materials may be burned upon any street, curb, gutter or sidewalk.

§ 142-5. Liability for damage.

Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by their fires.

2. Editor's Note: Original § 3-1-10(c), Burning of leaves and grass, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 149

CEMETERIES

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| § 149-1. Findings; purpose; amendments. | § 149-7. Rules for visitors. |
| § 149-2. Platting of new cemetery lots; single-grave section. | § 149-8. Interments. |
| § 149-3. Purchase of lots. | § 149-9. Monuments and markers. |
| § 149-4. Ownership rights of interment. | § 149-10. Vaults and mausoleums. |
| § 149-5. Care of lots. | § 149-11. Trees, shrubs and flowers. |
| § 149-6. Privileges and restrictions. | § 149-12. Care of lots; fees and charges; Village disclaims responsibility. |

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 6, Ch. 3 of the 1986 Code. Amendments noted where applicable.]

§ 149-1. Findings; purpose; amendments.

The Village of Ontario cemeteries, the Hilltop Rest Cemetery and Ontario Cemetery, are owned and maintained by the Village for the benefit of all citizens. Definite rules and regulations must be set up by the Village Board to ensure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in this chapter to govern the cemeteries. The Village reserves the right to amend or change any part of this chapter to conform to newly developed cemetery practices. However, before such change is made, a public hearing shall be held thereon before the Village Board and a notice thereof shall be published in the official Village newspaper at least seven days prior to such hearing.

§ 149-2. Platting of new cemetery lots; single-grave section.

- A. Platting. Before any new block of a municipal cemetery is opened for the sale of lots, the Committee on Cemeteries¹ shall cause it to be platted and recorded in the office of the Register of Deeds.
- B. Single-grave section. The Committee on Cemeteries shall designate certain lots as a single-grave section, and lots therein shall be platted and sold as single grave lots. Unused portions of lots repossessed for nonpayment of assessments for care may likewise be designated and sold as single graves or otherwise.

1. Editor's Note: Throughout this chapter, references to the "Board of Cemetery Commissioners" and "Cemetery Commission" were amended to "Committee on Cemeteries" at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 149-3. Purchase of lots.

- A. Price of lots. The Committee on Cemeteries shall from time to time fix a price on all lots to be sold in the municipal cemeteries.² [Amended 1-13-1997³]
- B. Sale of lots. Persons or their agents desiring to purchase a lot in the cemetery are referred to the Cemetery Sexton or to his duly authorized agent. The Sexton will have available suitable plats showing the size and price of lots and such other information as may be required and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Sexton will issue a lot order to the prospective purchaser, or his agent, who will present the order at the office of the Village Clerk-Treasurer. Upon receipt of proper payment, the Village Clerk-Treasurer shall issue a deed to the lot in the form prescribed by the Village Attorney. The deed shall be signed by the Village Clerk-Treasurer and Mayor and sealed with the Corporate Seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the Vernon County Register of Deeds.

§ 149-4. Ownership rights of interment.

- A. The lot owner or his authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of the cemetery rules and regulations.
- B. Upon full payment of the purchase price of a lot, the Village Clerk-Treasurer will issue a cemetery deed, under seal, and the deed will be recorded in the records of the Village as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the Village will not thereafter be divided except by consent of the Village. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery), nor can they be mortgaged.
- C. All repossessed vacant grave spaces shall be subject to the same fees and charges.
- D. The lot owner shall have acquired the lot for interment of himself and members of his family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Village Clerk-Treasurer) for the burial of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, a relative, the husband or wife of such person, or his or her relative, except by the consent of all persons having an interest in the lot.
- E. Unless otherwise directed in writing and filed with the Village Clerk-Treasurer, the lot owner, his devisees, or his heirs, the cemetery will permit the interment of members of his family at the request of any interested person upon proof of eligibility for burial as follows:
 - (1) The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.

2. Editor's Note: See Ch. A390, Fees.

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

- (2) When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the Village Clerk-Treasurer.
 - (3) In the event the owner, his devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner shall have the right to interment in order of their need.
- F. All burial rights in cemetery lots purchased from the Village occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the Village will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the Village Clerk-Treasurer before the Village will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the cemetery lots and devise the same to one person.
- G. Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
- (1) The Clerk-Treasurer shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Clerk-Treasurer until a fee as set by the Village Board has been paid therefor.⁴ Said fee shall go into the general municipal fund.
 - (2) Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the Village Clerk-Treasurer, the same to be approved by the Village Board. Such application shall be executed by the owner(s) of the lots or, if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.
 - (3) No owner of a cemetery lot shall sell, transfer or assign the same or the unused portion thereof to any other person without the Village's consent. The Village shall have a right of first refusal to repurchase such lot or part thereof at the current grave price. If the owner of any lot or part of a lot should sell or transfer the same without giving notice to the Village, except through probate, of such transaction, such sale or transfer shall be null and void.
- H. Whenever possible, repossessed lots will be used for burials before new areas of the cemetery are used or platted.

§ 149-5. Care of lots.

- A. In order to assure reliable means for permanent care, a perpetual care fund is created. Income from this fund will provide partial maintenance costs of the cemetery. All lots sold in municipal cemeteries shall be provided with perpetual care services, the expense

4. Editor's Note: See Ch. A390, Fees.

to be included in the price of the lot. A record shall be kept on file in the office of the Clerk-Treasurer of the Village. The fund may also be increased by gifts, bequests, a portion of memorial charges and other service revenues.

- B. "Perpetual care" shall be construed to mean the obligation which the Village assumes to use the net annual income received from the investments of the fund in furnishing such care as is furnished similarly endowed lots in the cemetery. Such perpetual care shall be limited to the maintenance of the lawn, leaf disposal, the filling of sunken graves and raising of markers, and caring for avenues, alleys, fences, buildings, and grounds in general. It is understood that such expenditures shall be made at the discretion of the Village. The Village shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the same shall be added to the perpetual care fund of the Village and the proceeds therefrom used by the Village in the manner as heretofore provided. Nothing herein shall be construed as obligating the Village as to any alleged existing contract as to perpetual care.

§ 149-6. Privileges and restrictions.

- A. No mound shall be raised upon any grave above the general level of the lot.
- B. No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans and other such objects may not be placed on lots and if so placed will be removed by the Village without notice. Urns are not permitted on lots sold after the passage of this chapter. Existing urns shall be removed by the Village as they become unsightly or deteriorated and shall not be replaced. However, before such an urn is destroyed or discarded, the last owner of record of the lot shall be notified by registered or certified mail with return receipt requested that such urn has been removed from the grave and will be destroyed unless the owner thereof claims the same within 30 days after the mailing of such letter.
- C. All landscaping, care of lots and other work in the cemetery will be done by the Village, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. Their advice will be cheerfully given without charge and may be of much value to those contemplating the purchase of or improvements to cemetery lots. The Village shall retain the ownership of all aisles, including monument aisles.
- D. The Village reserves the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.
- E. The Village, or its employees, assumes no liability for damages to property or of person, for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control.
- F. The Village reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

§ 149-7. Rules for visitors.

- A. The cemetery will be open to visitors at all times between the hours of 8:00 a.m. and 1/2 hour after the official sunset. Permission to enter the cemetery at any other time must be obtained from the Sexton or the Village Board.
- B. Children under 16 years of age will be admitted only when accompanied by parents or guardians.
- C. Persons or picnic parties with refreshments or alcoholic beverages are not permitted within any municipal cemetery.
- D. No dog or cat shall be permitted in the cemetery, except when confined in a vehicle. A dog specially trained to lead blind or deaf persons shall be exempt from this subsection.⁵
- E. Firearms will not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, slingshots and other like articles will not be allowed.
- F. Visitors are required to use the walks and drives whenever possible and shall not pick any flowers (either wild or cultivated); injure any shrub, tree, or plant; or mar or deface any monument, stone or structure in the cemetery.
- G. Vehicles traveling within the cemetery shall not exceed 15 miles per hour. No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner.
- H. No riding of bicycles, motorbikes, motorcycles or other such vehicles will be allowed in the cemetery unless such vehicles are present in conjunction with cemetery business.

§ 149-8. Interments.

- A. Interments will be made only during daylight hours.
- B. All interments shall be made in a permanent outer container excluding the use of wood.
- C. All graves shall be dug at no cost to the Village but shall be under the direction of the Sexton or his authorized agent. Depth of graves shall conform to the Wisconsin State Board of Health specifications.
- D. No burial will be permitted until a legal burial transit permit has been presented to the Sexton. The interment of bodies of persons who have died of contagious disease shall be in strict accordance with the rules of the State Board of Health.
- E. There will be no responsibility on the part of the Village for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
- F. The interment of two bodies in one grave will not be allowed, except in case of a mother and infant, twin children, or two children buried at the same time or in special

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

circumstances with the approval of the Sexton or his agent. Only two markers will be allowed on the grave space, of which one shall be flush with the ground and of a size which meets the approval of the Sexton.

- G. The interment of four cremated remains may be allowed in one adult grave. The minimum container requirement for cremated remains shall be as supplied by a crematorium.

§ 149-9. Monuments and markers.

- A. Grave markers and foundations will be set only by the monument company according to regulations specified by the Village. Except as herein otherwise provided, under no conditions will the Village construct monument or marker bases or erect monument or markers on bases. The Village reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the stonework. The top of the concrete foundation will be constructed flush with the ground line. Whenever possible, all markers will be set with a five-inch margin. A permit shall be available from the office of the Sexton or his assistant.
- B. The setting of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery grounds shall be subject to the supervision and control of the Sexton. Unless special arrangements are made with the Sexton, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m. Mondays through Fridays, except on national holidays. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Sexton, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.
- C. The Village reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stonework must be given to the Sexton or his agent and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments so far as possible as directed by the Cemetery Sexton or his assistant.
- D. Stonework or monumental work, once placed on its foundation, shall not be removed, except by permission of the Cemetery Sexton.
- E. The lot must be paid in full or other assurance given of payment before markers and monuments are set.
- F. Temporary markers must be removed or replaced with a permanent marker within one year.

§ 149-10. Vaults and mausoleums.

Construction of vaults and mausoleums is prohibited.

§ 149-11. Trees, shrubs and flowers.

- A. The planting of trees and shrubs on newly purchased lots or parts of lots will not be permitted except by approval of the Sexton.
- B. Lot owners may remove, under the direction of the Sexton, large trees on grave sites that hinder the full usage of the grave site. The expense of the tree and stump removal will be paid for by the lot owners.
- C. Fresh-cut flowers may be used anytime. Containers for cut flowers are to be a type level with the ground surface and not holding water when not in use or of the type to be disposed of when flowers are removed.
- D. Potted plants may be set on lots, without disturbing the sod, on special occasions, such as Memorial Day, birthday, anniversary, etc., but if not removed within five days will be picked up and destroyed if unsightly or preserved for use in beds within the cemetery if suitable.
- E. Artificial decorations are prohibited unless in a vase or pot and when used will be treated as potted plants.
- F. Individual flowerbeds of growing plants are permitted but must be of a reasonable size. In case of doubt, the Cemetery Sexton should be consulted. If these beds are not maintained and they become unsightly or undesirable, they will be removed by the Village.
- G. Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the Sexton or under his direction.
- H. Vines that interfere with the proper care of lots or graves and injure the grass will be removed when found objectionable.

§ 149-12. Care of lots; fees and charges; Village disclaims responsibility.

- A. It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire cemetery.
- B. All fees and charges as outlined in the current schedule of fees and charges are payable at the office of the Village Clerk-Treasurer, where receipts will be issued for the amounts paid.
- C. A schedule of the fees and charges, as established by the Village Board, shall be on file in the office of the Village Clerk-Treasurer. Such schedule may change from time to time without advance notice to conform to current economic conditions.
- D. The Village will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of Providence, including wind, tornadoes, hail, snow, rain and frost, whether the damage is indirect or proximate.

Chapter 163

DIRECT SELLERS

§ 163-1. Registration required.

§ 163-2. Definitions.

§ 163-3. Exemptions.

§ 163-4. Registration procedure.

§ 163-5. Investigation; refusal to register.

§ 163-6. Appeals.

§ 163-7. Prohibited practices; disclosure requirements.

§ 163-8. Revocation of registration; notice of hearing.

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

§ 163-1. Registration required.

It shall be unlawful for any direct seller to engage in direct sales within the Village of Ontario without being registered for that purpose as provided herein.

§ 163-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION — Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

CLERK-TREASURER — The Village of Ontario Clerk-Treasurer.

DIRECT SELLER — Any individual who, for himself or herself or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

GOODS — Includes personal property of any kind, and shall include goods provided incidental to services offered or sold.

PERMANENT MERCHANT — A direct seller who, for at least one year prior to the consideration of the application of this chapter to said merchant:

- A. Has continuously operated an established place of business in this Village; or
- B. Has continuously resided in this Village and now does business from his/her residence.

§ 163-3. Exemptions.

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

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- B. Any person selling goods at wholesale to dealers in such goods.
- C. Any person selling agricultural products which such person has grown.
- D. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in his regular course of business.
- E. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with, and specifically requested a home visit by, said person.
- F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
- H. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk-Treasurer proof that such charitable organization is registered under § 440.42, Wis. Stats. Any charitable organization not registered under § 440.42, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this chapter.
- J. Any person who claims to be a permanent merchant but against whom complaint has been made to the Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Clerk-Treasurer proof that such person has leased for at least one year, or purchased, the premises from which he or she is conducting business or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.

§ 163-4. Registration procedure.

- A. Applicants for registration must complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any.
 - (2) Age, height, weight and color of hair and eyes.

- (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by or whose merchandise is being sold.
- (4) Temporary address and telephone number from which business will be conducted, if any.
- (5) Nature of business to be conducted and a brief description of the goods offered and any services offered.
- (6) Proposed method of delivery of goods, if applicable.
- (7) Make, model and license number of any vehicle to be used by the applicant in the conduct of his or her business.
- (8) Last cities, villages and towns, not to exceed three, where the applicant conducted similar business.
- (9) Place where the applicant can be contacted for at least seven days after leaving this Village.
- (10) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years, the nature of the offense and the place of conviction.

B. Applicants shall present to the Clerk-Treasurer for examination:

- (1) A driver's license or some other proof of identity as may be reasonably required.
- (2) A state certificate of examination and approval from the Sealer of Weights and Measures where the applicant's business requires use of weighing and measuring devices approved by state authorities.
- (3) A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law, such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

C. Registration fee; Clerk-Treasurer appointed to accept service of process.

- (1) At the time the registration is returned, a fee as set by the Village Board shall be paid to the Clerk-Treasurer to cover the cost of processing said registration.¹
- (2) The applicant shall sign a statement appointing the Clerk-Treasurer his or her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

1. Editor's Note: See Ch. A390, Fees.

- (3) Upon payment of said fee and the signing of said statement, the Clerk-Treasurer shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in § 163-5B below.

§ 163-5. Investigation; refusal to register.

- A. Upon receipt of each application, the Clerk-Treasurer may refer it immediately to the Vernon County Sheriff's Department, which may make and complete an investigation of the statements made in such registration.
- B. The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; the applicant failed to comply with any applicable provision of § 163-4B above; or the applicant has been denied a Vernon County direct seller permit.

§ 163-6. Appeals.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board or, if none has been adopted, under the provisions of §§ 68.01 through 68.16, Wis. Stats.

§ 163-7. Prohibited practices; disclosure requirements.

- A. Prohibited practices.
 - (1) A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m., except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
 - (2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his or her visit, or his or her identity or the identity of the organization he or she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.

- (3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.²
- (4) No direct seller shall make any loud noises or use any sound-amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred-foot radius of the source.
- (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he or she is conducting business.

B. Disclosure requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his or her name, the name of the company or organization he or she is affiliated with, if any, and the identity of goods or services he or she offers to sell.
- (2) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in § 423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of § 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.
- (3) If the direct seller takes a sales order for the later delivery of goods, he or she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

§ 163-8. Revocation of registration; notice of hearing.

- A. Registration may be revoked by the Village Board, after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales; or violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- B. Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of the hearing and a statement of the acts upon which the hearing will be based.

2. Editor's Note: See Ch. 335, Vehicles and Traffic.

Chapter 169

DRIVEWAYS

§ 169-1. Permit required; fee.

§ 169-4. Permittee liable for damage or injury.

§ 169-2. Installation requirements.

§ 169-3. Permit applications.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 4, Ch. 3 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 309.

Subdivision of land — See Ch. 364.

§ 169-1. Permit required; fee.

Unless otherwise especially permitted by resolution of the Village Board, upon written application giving the reason therefor, no person shall construct, repair or reconstruct any driveway across or through any sidewalk or curbing without having first obtained a permit from the Clerk-Treasurer, for which a fee in the sum as set by the Village Board shall be charged.¹ Such permit shall be issued upon an application form provided by the Village and shall contain such information as the Village Board shall deem necessary.

§ 169-2. Installation requirements.

- A. Size. Openings for vehicular ingress and egress shall be at least 10 feet wide at the property line for residential properties and a minimum of 16 feet wide at the property line for all other uses but shall not exceed 24 feet at the property line and 30 feet at the curb opening.
- B. Limitations on location. No driveway shall be closer than 10 feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
- C. Street right-of-way; culverts. No driveway apron shall extend out into the street further than the facing of the curb, and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be so constructed as

1. Editor's Note: See Ch. A390, Fees.

not to interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Committee on Public Streets and Lighting so as to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner's expense.

- D. Entrances. No more than one driveway entrance and approach shall be constructed for any lot or premises, except where deemed necessary and feasible without the impairment of safety, convenience and utility of the street by the Committee on Public Streets and Lighting. Driveway approaches shall be at least 10 feet apart, except by special permission from the Committee on Public Streets and Lighting, and driveways shall in all cases be placed wherever possible so as not to interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner, with approval of the Village Board necessary before any utility may be relocated and the driveway installed.
- E. Paving across sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Chapter 309, Streets and Sidewalks, § 309-3C, of this Code insofar as such requirements are applicable, including thickness requirements in § 309-3C.

§ 169-3. Permit applications.

Permit applications shall be made at least 24 hours in advance of intended installation, but this shall not be deemed to be a limitation of time within which a permit must be granted, and the Clerk-Treasurer shall have such time as reasonably necessary for examination and consideration of any application before granting the permit, subject always to specific direction of the Village Board.

§ 169-4. Permittee liable for damage or injury.

The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new construction shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.