

# WISCONSIN TOWN LAW FORMS

## BASED ON THE 2023–24 WISCONSIN STATUTES

### Elections

#### Chapters 5 to 11: Elections Commission forms and manuals

The following statutes affect this form: chs. 5 to 11, Wis. stats.

***Note:** Election forms and manuals are available from the State of Wisconsin Elections Commission, Madison, Wisconsin. Electronic copies may be downloaded from the Elections Commission website at the address below:*

<https://elections.wi.gov/forms>

#### 7.30 (1): Establishing split shifts for election officials; ordinance

The following statutes affect this form: s. 7.30 (1), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 7.30 (1), Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the selection of 2 [or more] sets of officials to work at different times on each election day as follows:

- A. There shall be 2 shifts for election workers on all election days. The first shift shall commence at \_\_\_\_ a.m. and end at \_\_\_\_ p.m. The second shift shall commence at \_\_\_\_ p.m. and end with completion of all required election day duties that follow the closure of the polls.
- B. [optional]\*\*] The town board shall for each election appoint one additional election inspector to serve between the hours of \_\_\_\_ a.m. and \_\_\_\_ .m. and one additional election inspector to serve between the hours of \_\_\_\_ .m. and \_\_\_\_ p.m. [poll closing time] at [the or each] polling place in the town. Each additional election inspector shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and shall be available to substitute for other election officials who must leave the room during the voting process.

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

***\*Note:** Section 7.30 (1), Wis. stats., requires 7 inspectors for each polling place at each election except that in municipalities where voting machines are used, the municipal governing body may reduce the number of inspectors to 5. However, s. 7.32, Wis. stats., allows the governing body, by resolution, to reduce the number of election officials at a polling place to not less than 3.*

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**\*\*Note:** Section 7.30 (1) (b), Wis. stats., allows each municipality to appoint one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during the voting process.

### 7.32: Resolution changing number of election officials

The following statutes affect this form: s. 7.32, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

Section 7.32, Wis. stats., allows a municipal governing body to reduce the required number of election officials at a polling place from [7 or 5 (in a municipality where voting machines are used)] to no less than 3, and the town board has determined that it would be advantageous to the town to have only as many election officials on duty as are needed for a given election.

Therefore, the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and declares as follows:

There shall be a minimum of 3 election officials on duty at every election. At the discretion of the town clerk, the requisite number of election officials may be increased for any election. However, the number of election officials working at a given election shall always be an odd number.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Section 7.30 (1), Wis. stats., requires 7 inspectors for each polling place at each election except that in municipalities where voting machines are used, the municipal governing body may reduce the number of inspectors to 5. However, s. 7.32, Wis. stats., allows the governing body, by resolution, to reduce the number of election officials at a polling place to not less than 3.

## Town Officials and Employees

### 17.01: Resignation of town officer

The following statutes affect this form: s. 17.01, Wis. stats.

To the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

I hereby resign the office of town \_\_\_\_\_ effective \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature]

**Note:** The resignation of the town clerk shall be delivered to the town chairperson; the resignation of every other town officer shall be delivered to the town clerk.

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### 17.02: Resignation of municipal judge; notice by town clerk to clerk of circuit court

The following statutes affect this form: s. 17.02, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To the clerk of the circuit court of \_\_\_\_\_ County, Wisconsin:

You are hereby notified that on \_\_\_\_\_, 20\_\_, \_\_\_\_\_ resigned as municipal judge for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and that the resignation has been accepted.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### 17.13 (1): Removal of town officer by town board

The following statutes affect this form: s. 17.13 (1), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

For good and sufficient cause, we, the undersigned Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, as the appointing authority for the town office of \_\_\_\_\_, hereby remove \_\_\_\_\_ from that office. This order shall be served by mail or by personal service.

This order is effective on \_\_\_\_\_, 20\_\_, or upon receipt of the order by officeholder, whichever date is earlier.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

***Note:** This order to be filed with the clerk; see s. 17.16, Wis. stats. A town sanitary district officer may also be removed under this statute and this form can be adapted for that purpose.*

### 17.13 (1): Removal of town officer by town chairperson

The following statutes affect this form: s. 17.13 (1), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

For good and sufficient cause, I, \_\_\_\_\_, chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, as the appointing authority for the town office of \_\_\_\_\_, hereby remove \_\_\_\_\_ from that office. This order shall be served by mail or by personal service.

This order is effective on \_\_\_\_\_, 20\_\_, or upon receipt of the order by the officeholder, whichever date is earlier.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson]

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**Note:** This order to be filed with the clerk; see s. 17.16, Wis. stats.

### 17.13 (2m): Removal of elective town officer by town board

The following statutes affect this form: s. 17.13 (2m), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

We, the undersigned Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, after due notice and hearing, find that there is sufficient evidence of [*select one* 1. continued physical inability to perform the duties of office *or* 2. gross neglect of duty], on the part of \_\_\_\_\_ and hereby remove \_\_\_\_\_ from that office. This order shall be served by mail or by personal service.

This order is effective on \_\_\_\_\_, 20\_\_\_\_, or upon receipt of the order by the officeholder, whichever date is earlier.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signatures of town board]

**Note:** This order to be filed with the clerk; see s. 17.16, Wis. stats.

### 17.25 (1) (a): Appointment to fill vacancy in town board

The following statutes affect this form: s. 17.25 (1) (a), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

We, \_\_\_\_\_ and \_\_\_\_\_, two supervisors, and \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereby appoint \_\_\_\_\_ to fill the vacancy in the town board.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signatures of supervisors and town clerk]

**Note:** See s. 17.25 (1), Wis. stats., for exceptions to this procedure.

### 17.25 (1) (a) 2. a.: Appointment to fill vacancy in town board when two vacancies exist

The following statutes affect this form: s. 17.25 (1) (a) 2. a., Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

We, \_\_\_\_\_ and \_\_\_\_\_, the remaining supervisors, \_\_\_\_\_, clerk, and \_\_\_\_\_, treasurer of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereby appoint \_\_\_\_\_ to fill one of the vacancies in the town board.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signatures of supervisors and town clerk]

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### 17.25 (1) (b): Appointment to fill vacancy in town office

The following statutes affect this form: s. 17.25 (1) (b), Wis. stats.

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereby appoints \_\_\_\_\_ to the office of town \_\_\_\_\_ [insert name of office] to fill the vacancy now existing in that office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of the town board]

**Note:** See s. 17.25 (1), Wis. stats., for exceptions to this procedure.

### 17.25 (2): Appointment order for unexpired term of town plan commission

The following statutes affect this form: s. 17.25 (2), Wis. stats.

The town chairperson having nominated \_\_\_\_\_ to fill the unexpired term of \_\_\_\_\_ to the office of town plan commission member and the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having confirmed the nomination, \_\_\_\_\_ is hereby appointed to fill the unexpired term of \_\_\_\_\_ to the office of town plan commission member, effective \_\_\_\_\_, 20\_\_, or upon receipt by \_\_\_\_\_ of this order, whichever date is earlier. This order shall be served by mail or by personal service upon the appointee.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of the town board]

### 19.01 (1): Written oath

The following statutes affect this form: s. 19.01 (1), Wis. stats.

#### OFFICIAL OATH

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, having been elected or appointed to the office of \_\_\_\_\_ [insert title of office] [swear or affirm] that I will support the constitution of the United States and the constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of said office to the best of my ability.

So help me God.

[Signature of elected or appointed official]

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of officer administering oath]

### 19.01 (1m): Oral oath

The following statutes affect this form: s. 19.01 (1m), Wis. stats.

I, \_\_\_\_\_, [swear or affirm] that I will support the constitution of the United States and the constitution

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of the state of Wisconsin, and will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ [insert title of office] to the best of my ability. So help me God.

**Note:** If it is desired to administer the official oath orally in addition to the written oath prescribed above, it shall be in substantially the above form.

### 19.01 (2): Official bond

The following statutes affect this form: s. 19.01 (2), Wis. stats.

#### OFFICIAL BOND

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

We, the undersigned, jointly and severally, undertake and agree that \_\_\_\_\_, who has been [elected or appointed] to the office of \_\_\_\_\_ [insert title of office], will faithfully discharge the duties of the office according to law, and will pay to the parties entitled to receive the same, such damages, not exceeding in the aggregate \_\_\_\_ dollars, as may be suffered by them in consequence of the failure of \_\_\_\_\_ to discharge the duties of the office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of principal]

### Subchapter III of chapter 19: Ethics ordinance

The following statutes affect this form: subch. III of ch. 19 and ss. 82.11 (2) (a), 125.51 (1) (b), 175.10, 946.10, 946.11, 946.12, 946.13, and 946.14, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Ethics Ordinance. The purpose of this ordinance is to regulate, limit, and control certain administrative actions of town officials and employees in the town, including unethical actions of those officials and employees, as determined under this ordinance.

#### SECTION II – DECLARATION OF POLICY

- A. It is declared that certain administrative actions of town officials and town employees are to be regulated, permitted, or limited to allow the official's and employee's actions to occur in an ethical, timely, and efficient manner.
- B. It is declared that high moral and ethical standards among town officials and town employees are essential to the conduct of free government and that the town board believes that a code of ethics for the guidance of town officials and town employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service, and will promote and strengthen the faith and confidence of the people of the town in their town public officials and employees.
- C. (Optional) It is the intent of the town board that any elected town official, any person appointed to elective office, any candidate for town elective office, all heads of departments, and all other designated town officials and town employees, including but not limited to those whose responsibilities involve the following, shall be required to file a Statement of Economic Interests as provided for in this ordinance:
  1. Sale or lease of real estate.

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2. Receipt of monies.
  3. Purchasing of supplies.
  4. Issuing of permits or licenses.
  5. Assessment of property.
  6. Inspection of property.
  7. Construction of public works.
  8. Settlement of claims.
  9. Preparation or awarding of contracts.
  10. Retention of outside service.
  11. Performance of professional legal services for the town.
- D. It is the intent of the town board that the town ethics board, town officials, and town employees in their administrative operations shall protect to the fullest extent possible the rights of individuals affected and the town and its government from improper, dishonest, and inefficient conduct of its town officials and town employees.
- E. The town board reaffirms by this ordinance that a town official or employee holds his or her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust. This ordinance does not prevent any town official or employee from accepting other employment or following any pursuit that in no way interferes with the full and faithful discharge of his or her duties to this town. The town board recognizes all of the following:
1. That town officials and town employees are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government.
  2. That town officials and town employees retain their rights as citizens to interests of a personal or economic nature.
  3. That standards of ethical conduct for town officials and town employees need to distinguish between minor and inconsequential conflicts that are unavoidable in a free society and conflicts that are substantial and material.
  4. That town officials and town employees may need to engage in employment, professional, or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the provisions of this ordinance.

### SECTION III – AUTHORITY AND ADOPTION

This ordinance, adopted pursuant to s. 19.59, Wis. stats., by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the town to regulate, permit, or limit certain acts of certain town officials and town employees in the town.

### SECTION IV – DEFINITIONS

In this ordinance:

- A. “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment to a town official or employee, but does not include compensation and expenses paid by the town board, fees and expenses that are permitted and political contributions that are reported under ch. 11, Wis. stats., or money or hospitality extended for a purpose unrelated to town business by a person other than an organization.
- B. “Associated,” when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.
- C. “Ethics board” means the Town Ethics Board of the Town of \_\_\_\_\_.
- D. “Gift” means the payment or receipt of anything of value without valuable consideration.
- E. “Immediate family” means parents, grandparents, children, grandchildren, brothers, sisters, parents-in-law, grandparents-in-law, brothers-in-law, sisters-in-law, uncles, aunts, nephews, nieces, spouses, fiancées or fiancés.

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- F. "Income" has the meaning given under Section 61 of the Internal Revenue Code.
- G. "Internal Revenue Code" has the meaning given in s. 71.01 (6), Wis. stats.
- H. "Ministerial action" means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.
- I. "Nominal value" means having negligible, inconsequential, or slight value and not any substantial value. Examples include pens, hats, date books, calendars, or key chains having a value of less than \$5.
- J. "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other legal entity other than an individual or body politic.
- K.
  - 1. "Security" has the meaning given in s. 551.102 (28), Wis. stats.
  - 2. "Security" does not include a certificate of deposit in a bank, savings and loan association, savings bank, credit union, or similar association organized under the laws of any state or the federal government; a defined benefit retirement plan, an annuity, a money market fund, a mutual fund, or an exchange-traded fund or exchanged-traded note.
- L. "Substantial value" means having more than nominal or inconsequential value or having merchantable value. Any item or service with a value of \$5 or more is presumed to have substantial and not nominal or inconsequential value.
- M. "Town" means the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- N. "Town board" means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board.
- O. "Town clerk" means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- P. "Town employee" means any individual who is not a town official, and who holds an office or position in the service of the town [*if applicable*, not including an office or position subject to the jurisdiction of the town fire and police commission].
- Q. "Town official" means any individual holding any of the following:
  - 1. A town elective office.
  - 2. An appointive town office or position in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.
  - 3. An appointive town office or position that is filled by the town board or the executive or administrative head of the town and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action, or a position filled by an independent contractor.
- R. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – APPLICABILITY

This ordinance applies to all town officials and town employees.

### SECTION VII – ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this ethics code is vested in the ethics board. Any individual may request of the ethics board an advisory opinion regarding the propriety of any matter or matters to which the person is or may become a party as provided in Section X.



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### SECTION VIII – SPECIFIC REQUIREMENTS

- A. No town official or town employee may use his or her public position or office to obtain financial gain or anything of substantial value for the town official's or town employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit any of the following:
1. An elected official from using the title or prestige of his or her office to obtain contributions permitted and reported under ch. 11, Wis. stats.
  2. A town official or employee from obtaining items or services of nominal or no value.
  3. A town official or employee from purchasing surplus or discarded items under s. 175.10 (1m), Wis. stats.
- B. The town board may not sell or give to any town official or town employee, nor may a town official or town employee purchase or receive as a gift from the town, any article, material, product, or merchandise of whatsoever nature, excepting meals, public services, and specialized appliances and paraphernalia required for the safety or health of the officials or employees.
- C. No person may offer or give to any town official or town employee, directly or indirectly, and no town official or town employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the town official's vote or the town official's or town employee's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the town official or town employee. This ordinance does not prohibit town officials or town employees from doing any of the following:
1. Engaging in outside employment, but this ordinance specifically does not override any other ordinance or contract prohibiting outside employment, and does not in any way permit a town official or employee from taking action for the benefit of an outside employer that is otherwise prohibited.
  2. Accepting any item or service of nominal or no value.
- D. If a town official or town employee receives an item that the official or employee is not permitted to accept or retain under this ordinance, the official or employee shall do one of the following:
1. Give the item to the town to use or sell, except that the town may not sell the item to any official or employee.
  2. Give the item to a public institution, such as a local school, library, or museum, that can use the item.
  3. Give the item to a charitable organization, not including a charitable organization with which the official or employee or his or her immediate family is associated.
  4. Return the item to the donor.
  5. If the donor is neither a lobbyist, as defined in s. 13.62 (11), Wis. stats., nor a principal, as defined in s. 13.62 (12), Wis. stats., purchase the item at its full retail value and keep the item.
- E. No town official or town employee may intentionally use or disclose information gained in the course of, or by reason of, his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information. This provision shall not be interpreted to prevent a town official or town employee from reporting violations of this ordinance or other illegal acts to proper authorities.
- F. No town official or town employee may use or attempt to use his or her position to influence or gain unlawful benefits, advantages, or privileges for himself or herself, or others. The prohibition in this subsection F specifically includes, but is not limited to, any of the following violations of the Wisconsin Statutes:
1. Section 125.51 (1) (b), Wis. stats., which provides that no member of the town board may hold a permit under s. 125.54, Wis. stats., or, with respect to the issuance or denial of licenses under s. 125.51, Wis. stats., any act in violation of s. 19.59 (1), Wis. stats.
  2. Section 82.11 (2) (a), Wis. stats., which provides that no town official may act in laying out, altering, or discontinuing a highway if acting would result in a violation of the State of Wisconsin Codes of Ethics for Local Government Officials, Employees, and Candidates, s. 19.59, Wis. stats., or of a town ethics ordinance enacted under s. 19.59 (1m), Wis. stats.
  3. Section 175.10, Wis. stats., which provides that no town officer or member or officer of any town board, or any purchasing agent or purchasing agency of any town, shall sell or procure for sale or have in its possession or under its control for sale to any employees of the town any article, material, product, or merchandise of whatsoever nature, excepting meals, public services, and such specialized appliances and

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paraphernalia as may be required for the safety or health of the employees, except that s. 175.10 (3), Wis. stats., provides that the provisions of s. 175.10, Wis. stats., shall not apply to the town, nor to any department, agency, officer, or employee of the town when engaged in any recreational, health, welfare, relief, safety, or educational activities furnished by the town.

4. Section 946.10, Wis. stats., Bribery of Public Officers and Employees, which provides that whoever does either of the following is guilty of a Class H felony:
  - a. Whoever with intent to influence the conduct of any public officer or public employee in relation to any matter which by law is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or with intent to induce the officer or employee to do or omit to do any act in violation of the officer's or employee's lawful duty transfers or promises to the officer or employee or on the officer's or employee's behalf any property or any personal advantage which the officer or employee is not authorized to receive; or
  - b. Any public officer or public employee who directly or indirectly accepts or offers to accept any property or any personal advantage, which the officer or employee is not authorized to receive, pursuant to an understanding that the officer or employee will act in a certain manner in relation to any matter which by law is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or that the officer or employee will do or omit to do any act in violation of the officer's or employee's lawful duty.
5. Section 946.11, Wis. stats., Special Privileges from Public Utilities, which provides that, except as provided in s. 946.11 (3), Wis. stats., whoever does the following is guilty of a Class I felony:
  - a. Whoever offers or gives for any purpose to any public officer or to any person at the request or for the advantage of such officer any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or
  - b. Any public officer who asks for or accepts from any person or uses in any manner or for any purpose any free pass or frank, or any privilege withheld from any person for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or
  - c. Any public utility or agent or officer thereof who offers or gives for any purpose to any public officer or to any person at the request or for the advantage of such officer, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered or to be produced, transmitted, delivered, furnished, or rendered by any public utility, or any free product or service whatsoever; or
  - d. Any public officer who asks for or accepts or uses in any manner or for any purpose any frank or privilege withheld from any person for any product or service produced, transmitted, delivered, furnished, or rendered by any public utility.
6. Section 946.12, Wis. stats., Misconduct in Public Office, which provides that any public officer or public employee who does any of the following is guilty of a Class I felony:
  - a. Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office or employment within the time or in the manner required by law; or
  - b. In the officer's or employee's capacity as such officer or employee, does an act which the officer or employee knows is in excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity; or
  - c. Whether by act of commission or omission, in the officer's or employee's capacity as such officer or employee exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office or employment or the rights of others and with intent to obtain a dishonest advantage for the officer or employee or another; or
  - d. In the officer's or employee's capacity as such officer or employee, makes an entry in an account or record book or return, certificate, report, or statement which in a material respect the officer or employee intentionally falsifies; or
  - e. Under color of the officer's or employee's office or employment, intentionally solicits or accepts for the performance of any service or duty anything of value that the officer or employee knows is greater or less than is fixed by law.

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7. Section 946.13, Wis. stats., Private Interest in Public Contracts Prohibited, which provides that, except as provided in s. 946.13 (2) and (5) to (12), Wis. stats., any public officer or public employee who does any of the following is guilty of a Class I felony:
  - a. In the officer's or employee's private capacity, negotiates or bids for or enters into a contract in which the officer or employee has a private pecuniary interest, direct or indirect, if at the same time the officer or employee is authorized or required by law to participate in the officer's or employee's capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the officer's or employee's part; or
  - b. In the officer's or employee's capacity as such officer or employee, participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part.
8. Section 946.14, Wis. stats., Purchasing Claims at Less than Full Value, which provides that any public officer or public employee who in a private capacity directly or indirectly intentionally purchases for less than full value or discounts any claim held by another against the state or a political subdivision thereof or against any public fund is guilty of a Class I felony.
- G. (Optional) No town official or town employee, nor any member of a town official's or town employee's immediate family, nor any organization for which the town official or town employee or a member of the town official's or town employee's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving payment of more than \$\_\_\_\_\_ [*insert amount not exceeding \$15,000*] within a 12-month period, in whole or in part derived from town funds, unless the town official or town employee has first made written disclosure of the nature and extent of the relationship or interest to the town board and to the town clerk. Any contract or lease entered into in violation of this subsection may be voided by the town board or in an action commenced within 3 years of the date on which the ethics board or officer acting for the town in regard to the allocation of funds from which payment is derived, knew or should have known that a violation of this subsection had occurred. This subsection does not affect the application of s. 946.13, Wis. stats.
- H. Except for a town official or town employee acting in his or her official capacity, no town official or town employee may represent a person for compensation before any town board, commission, committee, or other body of any type, or any other town official or town employee, except in any of the following cases:
  1. In a contested case that involves a party other than the town with interests adverse to those represented by the town official or town employee.
  2. At an open hearing at which a stenographic or other record is maintained.
  3. In a matter that involves only ministerial action by the town.
- I. No former town official or town employee may do any of the following:
  1. For 12 months following the date on which he or she ceases to be a town official or town employee, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before or negotiate with, any town official or town employee or a town board, commission, committee, or other body of any type with which he or she was associated as a town official or employee, within 12 months prior to the date on which he or she ceased to be an official or employee.
  2. For compensation, act on behalf of any party other than the town in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge that might give rise to a judicial or quasi-judicial proceeding in which the former town official or town employee participated personally and substantially as a town official or town employee.
- J. (Optional) No person, including any town official or town employee, may knowingly make any oral false statements under oath or before any town board, commission, committee, or body of any type that the person does not believe to be true in any matter, cause, action, or proceeding. It is not a defense to a prosecution under this ordinance that the false statement was later corrected or retracted by that person.
- K. (Optional) No person, including any town official or town employee, under oath or affirmation may knowingly make or subscribe a written false statement or knowingly make a false statement with intent that it shall appear to have been served under oath or affirmation that the person does not believe is true. It is not a defense to a prosecution under this ordinance that the false statement was later corrected or retracted by that person.
- L. (Optional) No person, including any town official or town employee, may intentionally take and carry away,

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use, transfer, convey, or retain possession of property of the town without consent of the town board or its designated agent, with intent to deprive the town permanently of the property.

M. No town official or town employee may do any of the following:

1. Take any official action substantially affecting a matter in which the official or employee, one or more members of the official's or employee's immediate family either separately or together, or an organization with which the official or the employee is associated has a substantial financial interest.
2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the town official or town employee, one or more members of the official's or employee's immediate family either separately or together, or an organization with which the official or the employee is associated.

N. This ordinance does not prohibit a town official or town employee from taking official action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses.

O. This ordinance does not prohibit the town clerk, or other town elected or appointed official or town employee from making inquiries for information on behalf of a person or organization if the town clerk, official, or employee receives no compensation therefor beyond the salary and other compensation or reimbursements to which the official or employee is entitled by law from the town.

P. All town officials and town employees shall also comply with s. 19.59, Wis. stats., which is incorporated into this ordinance by reference.

### SECTION IX – FINANCIAL DISCLOSURE (Optional)

A. **General Filing Requirements.** 1. The following town officials, town employees, and candidates for office shall be required to identify any economic interests specified in this ordinance and under s. 19.44, Wis. stats., in a Statement of Economic Interest filed under this subsection: *[list specific officers, employees, or candidates]*.

2. The town clerk has the authority to withhold salaries or expenses from any town official or town employee who is required to file under this subsection and fails to timely file his or her Statement of Economic Interest as required by this subsection.

B. **Time to File.** Town officials or town employees required to file under this subsection shall file a Statement of Economic Interest with the ethics board as follows:

1. Any individual who in January of any year is a town official or town employee and is required to file under subsection A shall file with the ethics board no later than February 28 of that year a Statement of Economic Interest. The information on the statement shall be current as of December 31 of the preceding year.
2. Any newly appointed or employed individual required to file under subsection A shall file a Statement of Economic Interest within 21 days following the date he or she assumes office if the individual has not previously filed a Statement of Economic Interest with the ethics board during that year. The information on the statement shall be current as of the date he or she assumes office.
3. Any nominee to a town board, commission, committee, or other body of any type requiring town board confirmation who is required to file under subsection A shall file a Statement of Economic Interest within 21 days of being nominated unless the nominee has previously filed a statement with the ethics board for that year. The information on the statement shall be current as of the date he or she is nominated. Following the receipt of a nominee's statement, the ethics board shall forward copies of the statement to the members of the town board. The Statement of Economic Interest shall be submitted by the nominee in advance of the meeting of the town board considering the nomination for confirmation. *[If the nomination is first referred to a committee of the town board, modify to provide copies to the committee members in advance of their meeting.]*
4. Any nominee to a town board, commission, committee, or other body of any type not requiring town board confirmation, who is required to file under subsection A, shall file a Statement of Economic Interest within 21 days of being nominated unless the nominee has previously filed a statement with the ethics board for that year. The information on the statement shall be current as of the date he or she is nominated.
5. A candidate for elective town office required to file under this subsection shall file a Statement of Economic Interest with the town clerk no later than 4:30 p.m. on the third day following the deadline for filing

nomination papers for the office the candidate seeks at the time of filing of nomination papers. The information on the statement shall be current as of December 31 of the year preceding the filing deadline. A copy of the Statement of Economic Interest shall also be filed at the same time with the ethics board.

6. On its own motion or at the request of any individual who is required to file a Statement of Economic Interest under subsection A, the ethics board may extend the time for filing or waive any filing requirement if the ethics board determines that the literal application of the filing requirements of this section would work an unreasonable hardship on that individual or that the extension of the time for filing or waiver is in the public interest. The ethics board shall set forth in writing as a matter of public record its reason for the extension or waiver. Extensions and waivers shall not be granted to candidates for public office.

**C. Failure to File.** 1. If a town official or town employee who is required to file under subsection A has failed to file a Statement of Economic Interest within the required time, no salary, compensation, or reimbursement of expenses may be paid to the town official or town employee until the town official or town employee files the required statement. The ethics board shall officially inform the town treasurer when it has determined that an official's salary, compensation, and reimbursement expenses shall be withheld. All payments shall be withheld until the ethics board notifies the town treasurer that the official has complied with this ordinance. The ethics board shall also notify the appropriate appointing authority of the failure of the town official or town employee to file a Statement of Economic Interest.

2. If a candidate for elective town office required to file under subsection A has failed to file a Statement of Economic Interest within the required time, the name of the candidate for town office shall be removed from the election ballot. The ethics board shall officially inform the town clerk when it has determined that a candidate's name shall be removed from a ballot.

**D. Form of Statement.** Every Statement of Economic Interest required to be filed under subsection A shall be in the form prescribed by the ethics board. Required information shall be provided on the basis of the best knowledge, information, and belief of the person filing the statement. The statement shall contain all of the following information:

1. The identity of every organization with which the individual required to file is associated and the nature of his or her association with the organization, except that no identification need be made of any of the following:
  - a. An organization described in [26 USC 170 \(c\)](#).
  - b. An organization organized and operated primarily to influence voting at an election, including support for or opposition to an individual's present or future candidacy or to a present or future referendum.
  - c. A nonprofit organization formed exclusively for social purposes and any nonprofit community service organization.
  - d. Any trust not owned, in whole or in part, by the individual or a member or members of the individual's immediate family or whose assets or principal are not owned by the individual, in whole in part, or a member or members of the individual's immediate family, or any trust. An individual is the owner of a trust and the trust's assets and obligations if he or she is the creator of the trust and has the power to revoke the trust without obtaining the consent of all of the beneficiaries of the trust. An individual who is eligible to receive income or other beneficial use of the principal of a trust is the owner of a proportional share of the principal in the proportion that the individual's beneficial interest in the trust bears to the total beneficial interests vested in all beneficiaries of the trust. A vested beneficial interest in a trust includes a vested reverter interest.
2. The identity of every organization or body politic in which the individual who is required to file, or members of individual's immediate family, severally or in the aggregate, owns, directly or indirectly, securities having a value of \$5,000 or more, the identity of those securities, and their approximate value, except that no identification need be made of a security or issuer of a security when it is issued by any organization not doing business in Wisconsin or by any governmental body, instrumentality or agency of a governmental body, or authority or public corporation created and regulated by an act of a governmental body other than the State of Wisconsin, its instrumentalities, agencies, political subdivisions, or authorities or public corporations created and regulated by an act of the Wisconsin legislature. For purposes of reporting under this paragraph 2, it is sufficient to report whether the amount is not more than \$50,000, or more than \$50,000.
3. The name of any creditor to whom the individual who is required to file, or members of the individual's immediate family, severally or in the aggregate, owes \$5,000 or more and the approximate amount owed.



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For purposes of reporting under this paragraph 3, it is sufficient to report whether the amount is not more than \$50,000, or more than \$50,000.

4. The real property located in the town in which the individual who is required to file, or members of the individual's immediate family jointly and severally, holds an interest having an equity value of \$5,000 or greater, other than the principal residence of the individual or members of his or her immediate family, and the nature of the interest held.
5. The identity of each payer from which the individual who is required to file, or a member of his or her immediate family, received \$1,000 or more of his or her income for the preceding taxable year, except that if the individual who is required to file identifies the general nature of the business in which he or she, or his or her immediate family members, is engaged, then no identification need be made of a decedent's estate or an individual not acting as a representative of an organization. In addition, no identification need be made of payers from which anything of pecuniary value was received as political contributions and reported under ch. 11, Wis. stats.
6. The identity of each giver from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than \$50 within the taxable year preceding the time of filing, except that the source of a gift need not be identified if the donor is the donee's parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, niece, nephew, spouse, fiancée or fiancé.

### SECTION X – ETHICS BOARD

- A. Organization, Composition, and Operation of the Ethics Board.** 1. There is created an ethics board consisting of 5 members who are residents of the town and who shall serve without compensation unless the town board otherwise provides. Members of the ethics board shall not be elected officials or persons appointed to elective office, full-time appointed town officials, or town employees, nor shall they be currently serving on any other town board, committee, or commission, or any other town body. Ethics board members shall be selected by the town chairperson and submitted to the town board for confirmation by the town board. Terms of office shall be 3 years. The members of the ethics board shall select their own chairperson. A vacancy shall be filled within one month.
2. The town attorney shall furnish the ethics board with whatever legal assistance is necessary to carry out its functions, and the town clerk shall furnish the ethics board with whatever assistance it requires.
  3. (Optional) All members of the ethics board shall file a Statement of Economic Interest with the town board and town clerk.
  4. Any action by the ethics board, except an action relating to procedure of the ethics board, requires the affirmative vote of its members.
  5. No later than February 15 of each year, the ethics board shall submit a report to the town board concerning its actions in the preceding year. The report shall contain a summary of its determinations and advisory opinions. The ethics board shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decision or opinions. The ethics board shall make any additional reports on matters within its jurisdiction and recommendations for further legislation, as it deems desirable.
- B. Powers and Duties of the Board.** 1. The ethics board shall do all of the following:
- a. Accept and file, and the chairperson of the ethics board shall act as legal custodian of, any reports, information, or materials required by this ordinance and of any information or materials related to the purposes of this ordinance that is voluntarily supplied by any person.
  - b. (Optional) Preserve Statements of Economic Interest filed with the ethics board pursuant to applicable statutory and town ordinance provisions.
  - c. (Optional) Make Statements of Economic Interest filed with the ethics board available for public inspection and copying during office hours and make copying facilities available at a charge not to exceed actual cost.
  - d. (Optional) Compile and maintain an index to all Statements of Economic Interest currently on file with the ethics board to facilitate public access.
2. The ethics board may do all of the following:
    - a. Prepare and publish special reports and technical studies to further the purposes of this ordinance.

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- b. Adopt written rules, which shall be submitted to the town board for approval, as may be necessary to carry out this ordinance. A copy of the rules shall be filed with the town clerk. The ethics board shall give prompt notice of the contents of its rules to officials who will be affected thereby.
  - c. Prescribe and make available forms for use under this ordinance.
  - d. Retain outside counsel and other experts as needed after solicitation of recommendations from the town attorney upon a contract for services approved for form and content by the town attorney.
- C. Advisory Ethics Opinion.** 1. a. Any individual, specifically including former town officials and town employees, either personally or on behalf of an organization or governmental body, may request of the ethics board an advisory opinion regarding the propriety of any matter or matters to which the person is or may become a party.
- b. Any appointing officer, with the consent of a prospective appointee, may request of the ethics board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party.
2. The ethics board shall review a request for an advisory opinion and may advise the person making the request in writing. It is prima facie evidence of intent to comply with this ordinance when a person refers a matter to the ethics board and abides by the advisory opinion if the material facts are as stated in the opinion request.
3. Requests for confidential advisory opinions, records obtained or filed in connection with requests for confidential advisory opinions, and confidential advisory opinions rendered shall be closed in whole to public inspection. This paragraph shall not be interpreted to preclude the ethics board from doing any of the following:
- a. Compiling or publishing summaries of advisory opinions rendered if no identification of the requester or any organization identified in the opinion is made.
  - b. Making an advisory opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the ethics board in connection with the request for an advisory opinion.
- D. Complaints.** 1. The ethics board shall accept from any individual, either personally or on behalf of an organization or governmental body, a complaint in writing that states the name of any person alleged to have committed a violation of this ordinance and that specifically describes the alleged violation. The ethics board shall forward to the accused within 10 days a copy of the complaint and a general statement of the applicable provisions with respect to the complaint. If the ethics board determines that the complaint does not allege facts sufficient to constitute a violation of this ordinance, it shall dismiss the complaint and notify the complainant and the accused. If the ethics board determines that the complaint alleges facts sufficient to constitute a violation of this ordinance, it may make an investigation with respect to any alleged violation. If the ethics board determines that the complaint was brought for harassment purposes, the ethics board shall so state.
2. a. Following the receipt of a complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this ordinance has been committed or that an investigation of a possible violation is warranted, the ethics board may investigate the circumstances concerning the possible violation. Prior to invoking any power, the ethics board shall authorize an investigation by a motion of the ethics board that shall state the nature and purpose of the investigation and the actions or activities to be investigated. Upon adoption of a motion, the ethics board shall notify each person who is the subject of the investigation.
- b. If no complaint has been filed and the ethics board finds probable cause to believe that a violation of this ordinance has occurred, the ethics board may, on its own motion, make a complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this ordinance, and shall specifically describe the alleged violation. The ethics board shall forward to the accused within 10 days a copy of the complaint, a general statement of the applicable provisions with respect to the complaint, and a specific statement enumerating the source or sources of information upon which the complaint is based.
- c. If a complaint has been filed and the ethics board finds probable cause to believe that a violation of this ordinance, other than one contained in the complaint, has occurred, it may amend the complaint, upon

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- its own motion, to include those other violations. If the complaint is so amended by the ethics board, a copy of the amendment shall be sent to the alleged violator within 48 hours.
3. Upon adoption of a motion authorizing an investigation, the ethics board shall mail a copy of the motion to each alleged violator who is identified in the motion together with a notice informing the alleged violator that the person is the subject of the investigation authorized by the motion and a general statement of the applicable provisions with respect to the investigation. Service of the notice is complete upon mailing.
  4. No action may be taken on any complaint that is filed later than 3 years after a violation of this ordinance is alleged to have occurred.
- E. **Investigations.** Pursuant to any investigation or hearing conducted under this ordinance, the ethics board has the power to do any of the following:
1. Require any town official or town employee to submit in writing reports and answers to questions relevant to the proceedings conducted under this ordinance as the ethics board may prescribe, within the period and under oath or otherwise as the ethics board may determine.
  2. Administer oaths and to require by subpoena issued by it the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Issuance of a subpoena requires action by the ethics board.
  3. Order testimony to be taken by deposition before any individual who is designated by the ethics board and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by paragraph 2.
  4. To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.
  5. To retain outside counsel and other experts as needed after solicitation of recommendations from the town attorney and upon such contract for services approved for form and content by the town attorney.
- F. **Probable Cause of Violation.** 1. At the conclusion of its investigation, the ethics board shall, in preliminary written findings of fact and conclusions based on its findings, make a determination of whether probable cause exists to believe that a violation of this ordinance has occurred. If the ethics board determines that no probable cause exists, it shall immediately send written notice of the determination to the accused and to the party who made the complaint. If the ethics board determines that there is probable cause for believing that a violation of this ordinance has been committed, its preliminary findings of fact and conclusions may contain any of the following:
- a. A referral to the district attorney's office recommending further investigation and possible prosecution.
  - b. An order setting a date for hearing to determine whether a violation of this ordinance has occurred. The ethics board shall serve by registered mail the order upon the accused. A hearing ordered under this paragraph shall be commenced within 30 days after the date it is ordered unless the accused petitions for and the ethics board consents to a later date. Prior to any hearing ordered under this paragraph, the accused is entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.
  2. The ethics board shall inform the accused, or his or her counsel, of exculpatory evidence in its possession.
- G. **Hearing Procedure.** 1. During any investigation and during any hearing conducted to determine whether a violation of this ordinance has occurred, the accused may be represented by counsel of his or her own choosing, and the accused, or his or her representative, if any, shall have an opportunity to do all of the following:
- a. Challenge the sufficiency of any complaint that has been filed against him or her.
  - b. Examine all documents and records obtained or prepared by the ethics board in connection with the matter heard.
  - c. Bring witnesses.
  - d. Establish all pertinent facts and circumstances.
  - e. Question or refute testimony or evidence, including confronting and cross-examining adverse witnesses.
  - f. Exercise fully any pretrial discovery procedure usually available in civil actions.
  2. During any hearing conducted by the ethics board to determine whether a violation of this ordinance has occurred, all evidence, including certified copies of records that the ethics board considers, shall be fully offered and made a part of the record in the proceedings. The accused or any other person under investigation shall be afforded adequate opportunity to rebut or offer countervailing evidence. Upon request of the accused, the ethics board shall issue subpoenas to compel the attendance of necessary witnesses.



3. The ethics board may appoint a hearing examiner to conduct hearings under this ordinance. The ethics board may also retain outside counsel and other experts as needed with respect to hearings in accordance with its policies. The selection of a hearing examiner and outside counsel or other experts and any contract for such persons shall be made after solicitation of recommendations from the town attorney and the contract shall be approved for form and content by the town attorney. Any person identified during a hearing conducted by the ethics board and who, in the opinion of the ethics board, may be adversely affected by the results of the hearing, may, upon the request of the person, a representative of the person, or any member of the ethics board, appear personally or by a representative to testify, and the ethics board may permit any other person to appear and to testify at a hearing.
4. After the conclusion of the hearing, the ethics board shall as soon as practicable begin deliberations on the evidence presented at the hearing and proceed to determine whether the accused has violated this ordinance.

**H. Determinations: Ethics Board Actions.** If the ethics board determines that no violation of this ordinance has occurred, it shall immediately send written notice of the determination to the accused and to the party who made the complaint. If the ethics board determines that a violation of this ordinance has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

1. In the case of a town official, a recommendation to the town board that the town official be censured, suspended, or removed from office or employment, subject to ss. 9.10 and 17.13, Wis. stats. The recommendation shall be made to the appropriate appointing authority who may censure, suspend, or take action to remove the official from office or employment.
2. In the case of a town employee, a recommendation to the town board that the town employee be reprimanded, disciplined, or discharged. The recommendation shall be made to the appropriate appointing authority.
3. An order requiring the accused to conform his or her conduct to this ordinance.

**I. Settlements.** 1. The ethics board may compromise and settle any action or potential action for a violation of this ordinance that the ethics board is authorized to take under this ordinance. An action may be settled for such sum or terms as may be agreed upon between the ethics board and the alleged violator.

2. Whenever the ethics board enters into a settlement agreement with an individual who is accused of a violation of this ordinance or who is investigated by the ethics board for a possible violation of this ordinance, the ethics board shall reduce the agreement to writing, together with a statement of the ethics board's findings and reasons for entering into the agreement, and shall retain the agreement and statement in its office for inspection.

**J. Actions by the Town Board.** 1. *Actions authorized.* If findings relative to a town official or town employee are filed by the ethics board with the town board under subsection H, the matter shall be considered and decided upon by the town board, referred to the appropriate standing committee of the town board for a report, or the town board may appoint a special committee and the committee shall proceed in accordance with the direction of the town board and this ordinance, as the town board deems appropriate.

2. *Recommendations.* A committee receiving a matter under paragraph 1, in reporting the matter to the town board, may recommend a dismissal of the charges, a reprimand, discipline, or discharge of a town employee, or for a town official, censure, suspension, or removal from office, subject to ss. 9.10 and 17.13, Wis. stats. (Optional) Failure of an official to file the Statement of Economic Interest required may constitute grounds for removal from office.

3. *Hearing.* Any hearing by the town board or by a special or standing committee as designated by the town board, shall be conducted in accordance with the following provisions:

- a. The accused town official or town employee shall be given at least 20 days' notice of the hearing date.
- b. The rules of evidence shall apply to the hearing. All evidence, including certified copies of records and documents that the town board considers shall be fully offered and made part of the record in the case. Each party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
- c. During the entire hearing conducted under this subsection, the accused town official or town employee shall be entitled to be represented by counsel of his or her choosing. The town board shall immediately disclose and forward to the person, or his or her counsel, any evidence that it possesses that may tend to clear the official.
- d. The accused town official or town employee, or his or her representative, shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of

## WISCONSIN TOWN LAW FORMS

- the hearing as well as during the hearing, to bring witnesses to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. Upon the request of the accused, the town board shall subpoena named individuals to appear as witnesses at the hearing, if such action is necessary to compel their attendance.
- e. The town board shall have the power to compel the attendance of witnesses and to issue subpoenas for books, records, documents, or papers to be designated under the authority granted to it by s. 885.01 (3), Wis. stats.
4. *Town Board Action.* a. The town board may dismiss the charges, reprimand, discipline, or discharge a town employee, or censure, suspend, or remove a town official from office, subject to ss. 9.10 and 17.13, Wis. stats. Town board action shall be by majority vote. (Optional) Failure of an official to file the Statement of Economic Interest required may constitute grounds for removal from office.
- b. The town board shall make a determination in regard to the recommendation of the Ethics Board or committee if the matter is referred to a committee under paragraph 1. Action by the town board shall be by a majority vote.
- K. **Reimbursement of Legal Expenses.** Town funds shall be used to reimburse individuals for reasonable legal expenses incurred in their successful defense of charges filed against them with the ethics board or of charges filed with the ethics board by the ethics board.
- L. **Records.** 1. Except as provided in paragraph 2, all records in the possession of the ethics board are open to public inspection at all reasonable times.
2. Notwithstanding paragraph 1, the following records in the ethics board's possession are not open for public inspection:
- a. Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions or organizations on whose behalf they are requested. The ethics board may, however, make such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the ethics board in connection with the request for an advisory opinion.
- b. Records obtained or prepared by the ethics board in connection with an investigation, except that the ethics board shall permit inspection of records that are made public in the course of a hearing by the ethics board to determine if a violation of this ordinance has occurred.

### SECTION XI – PENALTY

In addition to any other action, any person violating this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$1,000 for each violation. All forfeitures shall be paid to the town treasurer. The town attorney, when so requested by the ethics board, shall institute proceedings to recover any forfeiture incurred under this section in circuit court that is not paid by the person against whom it is assessed. The ethics board or town board may seek injunctive relief from a court of record to enjoin further violations.

### SECTION XII – SEVERABILITY

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

### SECTION XIII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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[Signatures of town board]

Attest: [Signature of town clerk]

**60.30 (1e) (a): Appointed town clerk, town treasurer, or combined town clerk/treasurer; ordinance**

The following statutes affect this form: s. 60.30 (1e) (a), Wis. stats.

*The Wisconsin Towns Association has developed a sample ordinance providing for an appointed town clerk, town treasurer, or combined town clerk/treasurer. Electronic copies of the sample ordinance may be found in the Ordinances and Resolutions section of the Information Library at the Towns Association website at:*

<https://www.wisctowns.com/information-library/>

**60.30 (3): Notice by town clerk to persons elected to town office**

The following statutes affect this form: s. 60.30 (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

To \_\_\_\_\_:

You are hereby notified that at the election for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, held on \_\_\_\_\_, 20\_\_, you were elected to the office of \_\_\_\_\_. [If an oath or bond is required, add: A failure to file your oath [and bond] of office within 5 days after receiving this notice constitutes a refusal to serve in the office.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** See s. 60.31, Wis. stats.

**60.30 (5): Temporary appointment by town board to fill vacancy in town office**

The following statutes affect this form: s. 60.30 (5), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

\_\_\_\_\_, the incumbent of the office of \_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, being [unable to perform the official duties or absent], we, the undersigned town board, appoint \_\_\_\_\_, of the town, to discharge the duties of the office until [the disability of \_\_\_\_\_ is removed or \_\_\_\_\_ returns].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Attest: [Signature of town clerk]

**Note:** Adapt this form for s. 60.30 (5) (b), Wis. stats., if a town officer refuses to perform any official duty.

## WISCONSIN TOWN LAW FORMS

### 60.321: Authorizing and establishing travel expense and cost reimbursement for town employees and officials; resolution

The following statutes affect this form: s. 60.321, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

Reimbursement by the town is authorized for elected and appointed town officers and employees for the following travel, meals, and lodging costs and expenses authorized and incurred by these officers and employees in their duties for the town. The rates and the lodging, meal, and travel costs and expenses authorized for any travel event are as follows:

#### RATES

- |  |          |
|--|----------|
| 1. Vehicle travel mileage within the town.   | \$ _____ |
| 2. Vehicle travel mileage outside the town.  | \$ _____ |
| 3. Total maximum meal costs per day outside the town.                                    | \$ _____ |
| 4. Total maximum lodging costs per day outside the town.                                 | \$ _____ |
| 5. Total maximum taxi, bus, transit, rail, or flight costs outside the town.             | \$ _____ |
| 6. Other costs and expenses specifically authorized by town board prior to travel event. | \$ _____ |

*[Insert Alternative 1, 2, or 3 below.]*

(Alternative 1) The Town of \_\_\_\_\_ will not reimburse or pay any costs or expenses for meals, lodging, and travel to any town officer or employee unless the town board, or its designee, has approved in writing, in advance, the expenses and costs prior to these costs and expenses being incurred by the officer or employee.

(Alternative 2) The Town of \_\_\_\_\_ will not reimburse or pay any costs or expenses for meals, lodging, and travel by any town officer or employee unless the town board, or its designee, has approved in writing, in advance, the expenses and costs prior to these costs and expenses being incurred by the officer or employee. Notwithstanding anything in this resolution to the contrary, the town board will not approve nor make payment of any amount of any total costs and expenses incurred by a town officer or employee in excess of \$\_\_\_\_\_ per day.

(Alternative 3) The Town of \_\_\_\_\_ will not reimburse or pay any costs or expenses for meals, travel, and lodging for reimbursement or payment for any town officer or employee, except the following costs and expenses: *[List specific items.]*

Under s. 19.59, Wis. stats., no “local public official,” as defined in s. 19.42 (7x), Wis. stats., in any town action, including any travel event, may use his or her public position to obtain financial gain or anything of substantial value for his or her private benefit or that of his or her immediate family, as defined in s. 19.42 (7), Wis. stats., or for any organization with which he or she is associated, as defined in s. 19.42 (2), Wis. stats. Substantial value for purposes of this resolution is \$\_\_\_\_\_ or more.

Upon proper written proof of payment timely submitted to the town clerk by a town officer or employee for authorized travel costs and expenses, or upon a sworn affidavit by the officer or employee timely submitted to the town clerk

## WISCONSIN TOWN LAW FORMS

demonstrating the specific travel costs and expenses incurred by the officer or employee, the town shall provide, by the town clerk, timely payment to the officer or employee. Such written proof or sworn affidavit by the town officer or employee shall be submitted to the town clerk in writing within \_\_\_\_ days of the costs or expenses being incurred. The town shall not be required to make payment or reimbursement for expenses or costs not timely received as determined by the town board or its designees.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 60.33 (4) (b): Notice by town clerk to county clerk of town officers elected or appointed

The following statutes affect this form: s. 60.33 (4) (b), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To the county clerk of \_\_\_\_\_ County, Wisconsin:

You are hereby notified that the following are the town officers in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

Name	Office	Post-office Address

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### 60.33 (4) (c): Notice to clerk of circuit court of election or appointment of municipal judge or constable

The following statutes affect this form: s. 60.33 (4) (c), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To the clerk of the circuit court of \_\_\_\_\_ County, Wisconsin:

You are hereby notified that on \_\_\_\_\_, 20\_\_, \_\_\_\_\_ was [elected or appointed] to the office of [municipal judge or constable] for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, for the term of \_\_\_\_\_ to fill a vacancy in place of \_\_\_\_\_, last incumbent, who has [resigned or otherwise].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

## WISCONSIN TOWN LAW FORMS

### 60.33 (9) (b): Report to cooperative educational service agency of clerks of school districts in the town

The following statutes affect this form: s. 60.33 (9) (b), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

To the administrator of [*legal name of cooperative educational service agency*]:

Pursuant to s. 60.33 (9) (b), Wis. stats., the names and addresses of the school district clerks in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, are set forth below:

District	Name of Clerk	Post Office

The post-office address of the undersigned is \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[*Signature of town clerk*]

### 60.33 (9) (d): Notice to town treasurer of apportionment of school moneys by the town clerk

The following statutes affect this form: s. 60.33 (9) (d), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

To the treasurer of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

You are hereby notified that I have apportioned the school moneys now in your hands to the different districts of the town, as follows:

District	Amount

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[*Signature of town clerk*]

### 60.33 (11): Authorizing additional duties for town clerk; resolution

The following statutes affect this form: s. 60.33 (11), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

## WISCONSIN TOWN LAW FORMS

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town clerk shall perform, under lawful direction of the town board, the following duties in addition to those specifically enumerated in s. 60.33 (1) to (10), Wis. stats.:

[List additional duties.]

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** This resolution form establishes duties of the town clerk in addition to those specified in s. 60.33 (1) to (10m), Wis. stats., as authorized by the town board. The town meeting also has the authority under s. 60.33 (11), Wis. stats., to establish additional duties. This resolution form should not include any additional compensation for the town clerk for these additional duties when the additional duties apply to the current term of office of the town clerk. See s. 60.32 (4), Wis. stats.

### 60.331: Appointment by town clerk of deputy town clerk

The following statutes affect this form: s. 60.331, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, appoint \_\_\_\_\_ deputy clerk of the town.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### 60.341: Appointment by town treasurer of deputy treasurer

The following statutes affect this form: s. 60.341, Wis. stats.

I, \_\_\_\_\_, treasurer of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, appoint \_\_\_\_\_ deputy treasurer of the town.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town treasurer]

### 66.0517 (2): Appointment of commissioner of noxious weeds

The following statutes affect this form: s. 66.0517 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

## WISCONSIN TOWN LAW FORMS

To \_\_\_\_\_:

Pursuant to s. 66.0517, Wis. stats., I, \_\_\_\_\_, chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, as the appointing authority, appoint you as commissioner of noxious weeds [for the Town of \_\_\_\_\_ or for district No. \_\_, of the Town of \_\_\_\_\_].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson]

### 66.0517 (3) (b): Account of commissioner for destruction of weeds

The following statutes affect this form: s. 66.0517 (3) (b), Wis. stats.

To \_\_\_\_\_, treasurer, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

Set forth below is my account for destruction of weeds as Commissioner of Noxious Weeds [for the Town of \_\_\_\_\_ or for district No. \_\_, of the town].

One day's work: \_\_\_\_\_, 20\_\_ \$\_\_\_\_\_

[So continue.]

Total \$\_\_\_\_\_

The above amounts for labor and services are chargeable to the following pieces or tracts of land, all of which I certify to be correct:

Owner	Description	Amount

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of weed commissioner]

\_\_\_\_\_, being duly sworn on oath, says that as commissioner of noxious weeds for the Town of \_\_\_\_\_, the above account is a true and correct statement of moneys due for services rendered on the dates above set forth, and that the amounts of money as above set forth are severally chargeable to the several tracts of land therein described.

[Signature of weed commissioner]

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson]

or

[Signature of notary public]

Notary Public, State of Wisconsin

My commission \_\_\_\_\_.

### CHAIRPERSON'S APPROVAL



## WISCONSIN TOWN LAW FORMS

I, \_\_\_\_\_, chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, approve the foregoing account of \_\_\_\_\_, commissioner of noxious weeds of the town, and direct the treasurer to pay the amount of \$\_\_\_\_\_ to \_\_\_\_\_ and to file the account in the office of the town clerk, who is directed to enter and charge in the next tax roll, in the proper column, all amounts chargeable to each tract of land, as is indicated in the foregoing account.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of chairperson]

### 103.05: New hiring reports

The following statutes affect this form: s. 103.05, Wis. stats.

**Note:** *The Department of Revenue Form WT-4, Employee's Wisconsin Withholding Exemption Certificate/New Hire Reporting with Instructions, can be used to report new hire information to the Department of Workforce Development. Mail the completed form to Department of Workforce Development, New Hire Reporting, P.O. Box 14431, Madison, WI 53708-0431. Electronic copies may be downloaded from the Department of Revenue website at the following address:*

<https://www.revenue.wi.gov/TaxForms2017through2019/w-204f.pdf>

### 323.54: Providing for successors to town office in emergency; resolution

The following statutes affect this form: s. 323.54, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

To provide for the continuity of government in the event of and throughout the duration of a state of emergency resulting from enemy action, temporary emergency appointments to public office in the town are made as follows: *[cite method]*.

The scope and duties of these appointed temporary public officials shall be as follows: *[cite scope and duties]*.

The appointment of temporary public officials shall terminate as follows: *[cite method of termination]*.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

## Records

### 19.21: Adopting the Wisconsin municipal records schedule; ordinance

The following statutes affect this form: s. 19.21, Wis. stats.

*The Wisconsin Towns Association has developed a sample ordinance to adopt the Wisconsin municipal records schedule. Electronic copies of the sample ordinance may be found in the Ordinances and Resolutions section of the Information Library of the Town Association website at:*

<https://www.wisctowns.com/information-library/>

### 19.21 (2): Demand for public records by successor officer; notice

The following statutes affect this form: s. 19.21 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The office of \_\_\_\_\_ in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, [being vacant *or* the term of, \_\_\_\_\_, the former office holder, having expired], \_\_\_\_\_, as successor officer to \_\_\_\_\_ by this written notice to the former officer, demands that the former officer, or his or her agent, deliver to \_\_\_\_\_, as successor officer, by \_\_\_\_\_, 20\_\_\_\_, all official property, records, and things belonging to the above-noted office, then in the custody of the former officer, or his or her agent. Upon delivery of the property, records, or things to the successor officer at \_\_\_\_\_, who shall provide a written receipt therefor to the former officer who shall immediately file the receipt with the clerk of the Town of \_\_\_\_\_.

This notice to be served my mail or by personal service upon the former officer.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signature of successor officer]

### 19.21 (3): Resolution and notice to State Historical Society of intent to destroy records

The following statutes affect this form: s. 19.21 (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having enacted an ordinance for the destruction of obsolete public records does, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town clerk shall inform the State Historical Society of Wisconsin that the Town of \_\_\_\_\_ will destroy certain obsolete public records at a date more than 60 days after service of this notice upon the State Historical Society. The records to be destroyed are described as follows:

1. [Title of Records]
2. [Years Covered by Records]
3. [Volume of Records, if applicable]

## WISCONSIN TOWN LAW FORMS

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 19.34: Adopting notice of records access; ordinance

The following statutes affect this form: s. 19.34, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 19.34, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, adopts the attached Notice of Records Access, which, pursuant to s. 19.34 (1), Wis. stats., contains a description of the town's organization and the established times and places at which, the legal custodian from whom, and the methods whereby the public may obtain information from and access to records in the town's custody, make requests for town records, or obtain copies of town records, and the costs thereof, and the attached to this ordinance is so adopted. [Attach to the ordinance a copy of the completed form.]

The town clerk shall prominently display and make available for inspection and copying at the town offices copies of the Notice of Records Access, for the guidance of the public.

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ a specific date after the date of publication or posting date allowing adequate time for erection of signs].

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 19.34: Records access; notice

The following statutes affect this form: s. 19.34, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this notice states that the clerk of the Town of \_\_\_\_\_ has been designated under s. 19.33, Wis. stats., as the legal custodian of records for the Town of \_\_\_\_\_, except that elected officials are the custodians of their own records of office and chairpersons of committees of elected

## WISCONSIN TOWN LAW FORMS

officials are custodians of the records of the committee *[insert if alternative 3 below is used and except as noted below]*.

The public may obtain information and access to records in the custody of the clerk or other appropriate legal custodian, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the town clerk or other appropriate legal custodian as follows:

*[Include either Alternative 1 or Alternative 2, as applicable.]*

*[Alternative 1]* The town clerk maintains regular office hours of \_\_\_\_\_.m. to \_\_\_\_\_.m., \_\_\_\_ day to \_\_\_\_ day, except legal holidays, at \_\_\_\_\_.

*[Alternative 2] [choose Option A or B, as applicable]*

(Option A) The town clerk does not maintain regular office hours at the location where records in the custody of the town clerk are kept. The Town has established \_\_\_\_\_.m. to \_\_\_\_\_.m. each \_\_\_\_ day *[not less than two consecutive hours per week]*, during which access to the records of the Town in the custody of the clerk is permitted, except legal holidays when access shall be permitted on the *[following or preceding]* day. The location of the records is: \_\_\_\_\_. *[if desired The Town requires 24 hours' advance written or oral notice of intent to inspect or copy a record to the town clerk.]*

(Option B) The town clerk does not maintain regular office hours at the location where records of the Town are kept. The town clerk will permit access to Town records in the custody of the clerk upon at least 48 hours' written or oral notice to the town clerk of the intent to inspect or copy a record. The location of the records in the custody of the clerk is \_\_\_\_\_.

*[Alternative 3] [Include if the town clerk is not the sole custodian of the town's records. Insert Option A, B, or C, as applicable, and, in all cases when Alternative 3 is included, the table following Option C.]*

The legal custodians for the records of the Town agencies and departments designated in the table below are as shown in the table.

(Option A) The designated legal custodians maintain regular office hours, and provide access to records of the listed agency or department in their custody at the location and during the hours stated in the table below, except legal holidays.

(Option B) The designated legal custodians do not maintain regular office hours at the location where records of the agency or department in their custody are kept. The Town has established the times designated in the table below *[not less than two consecutive hours per week]* during which access to the records of the agencies and departments in the custody of the designated custodian is permitted, except legal holidays when access shall be permitted on the *[following or preceding]* day. The location of the records for each department or agency *[if notice is required and contact information for the custodian]* is as designated in the table below. *[if desired The Town requires 24 hours' advance written or oral notice of intent to inspect or copy a record to the appropriate legal custodian.]*

(Option C) The designated legal custodians do not maintain regular office hours at the location where records of the agency or department in their custody are kept. The Town will permit access to the records of the agencies and departments in the custody of the designated custodian upon at least 48 hours' written or oral notice to the legal custodian of the intent to inspect or copy a record. The location of the records for each department or agency and contact information for the custodian is as designated in the table below.

Department or Agency	Legal Custodian	Location	Hours (if applicable)	Contact Information (if applicable)

# WISCONSIN TOWN LAW FORMS


[Include in all cases.] As required under s. 19.34 (1), Wis. stats., each Town Local Public Office\* is listed below. The public may obtain information and access to records in the custody of elected officials and chairpersons of committees of elected officials as the custodians of their own records of office, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the elected official or chairperson in accordance with the contact information designated as follows:

Local Public Office	Office Holder	Contact Information

[Include in all cases.] The following are the fees for satisfying record requests under s. 19.35, Wis. stats.:

- a. Actual cost of transcription and reproduction - \$\_\_\_\_\_ per page.
- b. Actual cost of photography and photographic processing - \$\_\_\_\_\_ per page.
- c. Actual cost of locating a record if the cost is more than \$50 - \$\_\_\_\_\_.
- d. Actual cost of shipping and mailing of any copy or photograph - \$\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**\*Note:** “Local public office” is defined in s. 19.32 (1dm), Wis. stats., as:

**19.32 (1dm)** “Local public office” has the meaning given in s. 19.42 (7w), and also includes any appointive office or position of a local governmental unit in which an individual serves as the head of a department, agency, or division of the local governmental unit, but does not include any office or position filled by a municipal employee, as defined in s. 111.70 (1) (i).

And “local public office” is defined in s. 19.42 (7w), Wis. stats., as:

**19.42 (7w)** “Local public office” means any of the following offices, except an office specified in sub. (13):

- (a) An elective office of a local governmental unit.
- (b) A county administrator or administrative coordinator or a city or village manager.
- (c) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- (cm) The position of member of the board of directors of a local exposition district under subch. II of ch. 229 not serving for a specified term.
- (d) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- (e) The position of member of the Milwaukee County mental health board as created under s. 51.41 (1d).
- (f) An employee of a school district who holds a school administrator license or permit issued by the department of public instruction under rules promulgated by the department under s. 118.19 and whose employment requires that the individual hold that license or permit.
- (g) An employee of a school district who acts as the head of facilities and maintenance and whose employment duties include making purchasing decisions or recommendations for the school district.

WISCONSIN TOWN LAW FORMS

**19.35: Request form for access to or copy of public record**

The following statutes affect this form: s. 19.35, Wis. stats.

**I. TO BE COMPLETED BY PERSON REQUESTING ACCESS TO OR COPY OF RECORD IN POSSESSION OF THE TOWN OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, WISCONSIN.**

Description of the record(s) to be inspected or copied, or both: \_\_\_\_\_

**Please note:** A request “is deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the records does not constitute a sufficient request.” (s. 19.35 (1) (h), Wis. stats.) The request may be made orally, but a request must be in writing before an action to enforce the request is commenced under s. 19.37, Wis. stats.

Date and time requested to inspect record: \_\_\_\_\_

Name of requester: \_\_\_\_\_

Date and time requested for copy of record: \_\_\_\_\_

Mailing address of requester: \_\_\_\_\_

Telephone number (Optional): \_\_\_\_\_

Is the record or part of the record requested a personnel record of a town employee? Yes \_\_\_\_\_ No \_\_\_\_\_

If “yes,” which employee? \_\_\_\_\_

**Please note:** A request may not be refused “because the person making the request is unwilling to be identified or to state the purpose of the request.” (s. 19.35 (1) (i), Wis. stats.)

Amount of any prepayment paid to legal custodian (s. 19.35 (3) (f), Wis. stats.): \$ \_\_\_\_\_

**II. TO BE COMPLETED BY CUSTODIAN OR DEPUTY CUSTODIAN OF RECORD.**

Municipal department, office, or work unit of any authority receiving request: (Include name of person receiving request) \_\_\_\_\_

Date and time request received: \_\_\_\_\_

Date and time request completed: \_\_\_\_\_

Was the request acted upon within 10 days of the request? Yes \_\_\_\_\_ No \_\_\_\_\_

Action taken on request: ( ) Approved ( ) Approved in part and denied in part ( ) Denied

If the requested record was a personnel record, was the town employee notified of the request?

Yes \_\_\_\_\_ No \_\_\_\_\_\*

**Please note:** For a denial, attach a copy of any statement of the reasons denying access to, a copy of, or other information contained in any public record covered by this request. If the request for the record was in writing, the denial determination is subject to review by mandamus under s. 19.37 (1), Wis. stats., or upon application to the attorney general or a district attorney (s. 19.37 (4), Wis. stats.).

## WISCONSIN TOWN LAW FORMS

Amount of any prepayment requested: \$ \_\_\_\_\_

Amount of any fee to be paid by requester: \$ \_\_\_\_\_

Reason for fee: \_\_\_\_\_  
\_\_\_\_\_

Name and title of legal custodian or deputy acting on request: \_\_\_\_\_

If a personal record request, the date and name and address of the town employee notified in writing as to the request and response, if any, received from the employee: \_\_\_\_\_

**\*Note:** See s. 19.356, Wis. stats.

### 19.35 (3): Setting fees for records; resolution

The following statutes affect this form: s. 19.35 (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The following fees for satisfying record requests under s. 19.35, Wis. stats., are established:

- a. Actual cost of transcription and reproduction - \$ \_\_\_\_\_ per page.
- b. Actual cost of photography and photographic processing - \$ \_\_\_\_\_ per page.
- c. Actual cost of locating a record if the cost is more than \$50 - \$ \_\_\_\_\_.
- d. Actual cost of shipping and mailing of any copy or photograph - \$ \_\_\_\_\_.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Notes:** Copying costs of more than \$.25 per page may be subject to legal challenge when the actual costs cannot be demonstrated to be more than \$.25 per page.

*This form does not establish costs for research or for creating a new record.*

*Under s. 19.35 (3) (f), Wis. stats., an authority may require prepayment by a requester of any fees imposed under s. 19.35 (3), Wis. stats., if the total amount exceeds \$5.*

### 19.356: Response to request for record subject to s. 19.356, Wis. stats

The following statutes affect this form: s. 19.356, Wis. stats.

## WISCONSIN TOWN LAW FORMS

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

TO: \_\_\_\_\_ [Record requester]

Your request for access to the following record of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, is granted: \_  
[specifically describe record here].

The requested record is subject to the provisions of s. 19.356, Wis. stats., as the record is [choose Option A, B, or C, as applicable]:

(Option A) a record containing information relating to an employee that is created or kept by the Town and that is the result of an investigation into a disciplinary matter involving the employee or possible employment-related violation by the employee of a statute, ordinance, rule, regulation, or policy of the employee's employer.

(Option B) a record obtained by the Town through a subpoena or search warrant.

(Option C) a record prepared by an employer other than the Town that contains information relating to an employee of that employer, unless the employee authorizes the Town to provide access to that information.

Under s. 19.356, Wis. stats., all of the following conditions apply to the grant of access to the requested records:

1. Within 3 days after making the decision to permit access, the Town will serve written notice of that decision on any record subject to whom the record pertains.
2. Within 5 days after receipt of the notice under paragraph 1, the record subject may provide written notification to the Town of his or her intent to seek a court order restraining the Town from providing access to the requested records.
3. Within 10 days after receipt of the notice under paragraph 1, the record subject may commence an action seeking a court order to restrain the Town from providing access to the requested record. If the record subject commences such an action, you may intervene in the action as a matter of right. If you do not intervene in the action, the Town will notify you of the results of the proceedings in the action.
4. The Town will not provide access to the requested record within 12 days of sending the notice under paragraph 1. In addition, if the record subject commences an action as described in paragraph 3, the Town will not provide access to the requested record during the pendency of the action. If the record subject appeals or petitions for review of a decision of the court or the time for appeal or petition for review of a decision adverse to the record subject has not expired, the Town will not provide access to the requested record until whichever of the following occurs first:
  - a. Any appeal is decided.
  - b. The period for appealing or petitioning for review expires.
  - c. A petition for review is denied.
  - d. The Town receives written notice from the record subject that an appeal or petition for review will not be filed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk (or other record custodian)]

**Note:** Whenever a record request relates to an employee record, a determination must be made whether the record is of the type described in s. 19.356 (2) (a) 1., 2., or 3., Wis. stats., in which case, if the request is granted, notice must be



## WISCONSIN TOWN LAW FORMS

given to the record subject and access cannot be provided to the record except as provided in s. 19.356, Wis. stats., or if the record is of the type described in s. 19.36 (10) or (11), Wis. stats., in which case access must be denied.

**Note:** If the record is not subject to s. 19.356 (2) (a) 1., 2., or 3., Wis. stats., or s. 19.36 (10) or (11), Wis. stats., but the record subject is a state or local elected official, the request is subject to s. 19.356 (9), Wis. stats., and notice must be given to the record subject who is entitled to augment the record within 5 days of receipt of the notice.

**Note:** "Record subject" is defined in s. 19.32 (2g), Wis. stats., as:

19.32 (2g) "Record subject" means an individual about whom personally identifiable information is contained in a record.

### 19.356: Notice to record subject of request for record under s. 19.356, Wis. stats

The following statutes affect this form: s. 19.356, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

TO: \_\_\_\_\_ [Record subject]

A request for access to the following record of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has been granted by the Town: \_\_\_\_\_  
[specifically describe record here].

You are the subject of the requested record.

The requested record is subject to the provisions of s. 19.356, Wis. stats., as the record is [choose Option A, B, or C, as applicable]:

(Option A) a record containing information relating to an employee that is created or kept by the Town and that is the result of an investigation into a disciplinary matter involving the employee or possible employment-related violation by the employee of a statute, ordinance, rule, regulation, or policy of the employee's employer.

(Option B) a record obtained by the Town through a subpoena or search warrant.

(Option C) a record prepared by an employer other than the Town that contains information relating to an employee of that employer, unless the employee authorizes the Town to provide access to that information.

Under s. 19.356, Wis. stats., all of the following conditions apply to the grant of access to the requested record:

1. Within 5 days after receipt of this notice, you may provide written notification to the Town of your intent to seek a court order restraining the Town from providing access to the requested record.
2. Within 10 days after receipt of this notice, you may commence an action seeking a court order to restrain the Town from providing access to the requested record. If you commence such an action, the record requester may intervene in the action as a matter of right.
3. The Town will not provide access to the requested record to the record requester within 12 days of sending this notice. In addition, if you commence an action as described in paragraph 2, the Town will not provide access to the requested record during the pendency of the action. If you appeal or petition for review of the decision of the court or the time for appeal or petition for review of a decision adverse to the record subject has not expired, the Town will not provide access to the requested record until whichever of the following occurs first:
  - a. Any appeal is decided.
  - b. The period for appealing or petitioning for review expires.

## WISCONSIN TOWN LAW FORMS

- c. A petition for review is denied.
- d. The Town receives written notice from you that an appeal or petition for review will not be filed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk (or other record custodian)]

**Note:** Section 19.356 (2) (a), Wis. stats., provides that the Town shall “within 3 days after making the decision to permit access, serve written notice of that decision on any record subject to whom the record pertains, either by certified mail or by personally serving the notice on the record subject.”

### 19.356 (9): Response to request for record relating to public officeholder

The following statutes affect this form: s. 19.356 (9), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

TO: \_\_\_\_\_ [Record requester]

Your request for access to the following record of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, is granted: \_

\_\_\_\_\_  
[specifically describe record here].

The subject of the requested record holds a [state or local] public office, namely \_\_\_\_\_.

Under s. 19.356 (9), Wis. stats., all of the following conditions apply to the grant of access to the requested record:

1. Within 3 days after making the decision to permit access, the Town will serve written notice of that decision on any record subject to whom the record pertains.
2. Within 5 days after receipt of the notice under paragraph 1, the record subject may augment the record to be released with written comments and documentation selected by the record subject.
3. The Town will release the requested record, as augmented by the record subject, upon the expiration of the 5-day period for augmenting the record under paragraph 2.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk (or other record custodian)]

**Note:** “Local public office” is defined in s. 19.32 (1dm), Wis. stats., as:

**19.32 (1dm)** “Local public office” has the meaning given in s. 19.42 (7w), and also includes any appointive office or position of a local governmental unit in which an individual serves as the head of a department, agency, or division of the local governmental unit, but does not include any office or position filled by a municipal employee, as defined in s. 111.70 (1) (i).

And “local public office” is defined in s. 19.42 (7w), Wis. stats., as:

**19.42 (7w)** “Local public office” means any of the following offices, except an office specified in sub. (13):

- (a) An elective office of a local governmental unit.
- (b) A county administrator or administrative coordinator or a city or village manager.
- (c) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.

## WISCONSIN TOWN LAW FORMS

(cm) The position of member of the board of directors of a local exposition district under subch. II of ch. 229 not serving for a specified term.

(d) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(e) The position of member of the Milwaukee County mental health board as created under s. 51.41 (1d).

(f) An employee of a school district who holds a school administrator license or permit issued by the department of public instruction under rules promulgated by the department under s. 118.19 and whose employment requires that the individual hold that license or permit.

(g) An employee of a school district who acts as the head of facilities and maintenance and whose employment duties include making purchasing decisions or recommendations for the school district.

“State public office” is defined in s. 19.32 (4), Wis. stats., as:

**19.32 (4)** “State public office” has the meaning given in s. 19.42 (13), but does not include a position identified in s. 20.923 (6) (f) to (gm).

“Record subject” is defined in s. 19.32 (2g), Wis. stats., as:

**19.32 (2g)** “Record subject” means an individual about whom personally identifiable information is contained in a record.

### 19.356 (9): Notice to record subject of request for record relating to public office holder

The following statutes affect this form: s. 19.356 (9), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

TO: \_\_\_\_\_ [Record subject]

A request for access to the following record of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has been granted by the Town: \_\_\_\_\_

\_\_\_\_\_  
[specifically describe record here].

You are the subject of the requested record.

You hold a [state or local] public office, namely \_\_\_\_\_, which subjects the record request to the provisions of s. 19.356 (9), Wis. stats.

Under s. 19.356 (9), Wis. stats., all of the following conditions apply to the grant of access to the requested record:

1. Within 5 days after receipt of this notice, you may augment the record to be released with written comments and documentation selected by you.
2. The Town will release the requested record, as augmented by you, upon the expiration of the 5-day period for augmenting the record under paragraph 1.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk (or other record custodian)]

**Note:** Section 19.356 (9) (a), Wis. stats., provides that the Town shall “within 3 days after making the decision to per-

## WISCONSIN TOWN LAW FORMS

*mit access, serve written notice of that decision on the record subject, either by certified mail or by personally serving the notice on the record subject.”*

### Town Board Meetings

#### 19.84: Town board meeting and parliamentary procedure ordinance

The following statutes affect this form: ss. 19.84, 60.20, and 60.22, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Town Board Meeting and Parliamentary Procedure Ordinance. The purpose of this ordinance is to establish specific procedures for the actions of the town board in the operation of the town.

#### SECTION II – AUTHORITY

The town board has the specific authority to adopt this Town Board Meeting and Parliamentary Procedure Ordinance under the Wisconsin Open Meetings Law, subch. V of ch. 19, Wis. stats., ss. 60.20 and 60.22, Wis. stats., and common law.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes specific procedures for the actions of the town board in the operation of the town.

#### SECTION IV – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivisions designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

#### SECTION V – TOWN BOARD MEETING RULES OF PROCEDURES

- A. **Meetings of Town Board, Generally.** 1. All meetings of the town board, including any special and adjourned meetings, shall be on proper notice under s. 19.84, Wis. stats. The notice of any town board meeting shall include the Open Meeting Agenda and shall be given at least 24 hours prior to the meeting of the town board, unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting. The town chair, or his or her designee, shall be responsible for proper posting or publication of the meeting notice and agenda. No members of the town board shall be excluded from a meeting of the town board or any other meeting of any subunit of the town, unless by court order, or unless under s. 19.89, Wis. stats., and the rules of the town.
2. All meetings of the town board, including any special or adjourned meetings, shall be held at the town hall, except that a different location may be designated by the town chair, or his or her designee, by giving proper written notice of the meeting and agenda, and of the substituted location, in conformance with s. 19.84, Wis. stats.

## WISCONSIN TOWN LAW FORMS

- B. **Regular Meetings of the Town Board.** Regular meetings of the town board shall be held [*state regular meeting date, e.g., on the 2<sup>nd</sup> Tuesday of each month*] at \_\_\_\_ p.m.
- C. **Posting Locations.** (Optional) The 3 usual and customary posting locations for the notice and agenda shall be the following, unless the town board directs posting at other locations: [*list locations*]
- 
- 

- D. **Special Meetings of the Town Board.** 1. a. A special meeting of the town board may be called by the town chair in writing with the written call for the special meeting of the town board filed with the town clerk at least 24 hours prior to the proposed special meeting of the town board, with the time specified in the written call for the special meeting. The town chair, or his or her designee, shall properly and timely give notice of the special meeting, including the meeting agenda.
- b. A member of the town board, other than the town chair, may request that a special meeting of the town board be called by filing with the town clerk in writing a request for the calling of a special meeting of the town board, designating the agenda item or items for the special meeting. Upon receipt of the request, the town clerk shall immediately cause the request for special meeting to be personally served upon the other members of the town board, including the town chair, along with a notice to each town board member that if any town board member other than the member requesting the special meeting, including the town chair, files a written authorization for the requested special meeting of the town board with the town clerk not later than 24 hours after receipt of the request for special meeting, a special meeting of the town board will be called. Upon receipt of a written authorization for a special meeting of the town board, the town clerk shall set a time for the special meeting not more than 2 business days thereafter and shall properly and timely give notice of the special meeting, including the meeting agenda.\*
2. Any special meeting of the town board shall be in compliance with the notice and agenda requirements of subsection A and ss. [19.82](#) and [19.84](#), Wis. stats.
3. The town clerk, upon receipt of the written call for a special meeting of the town board, shall immediately notify, in writing, each member of the town board by delivering the written Open Meeting Notice and Agenda or by having the written Open Meeting Notice and Agenda delivered personally to each member of the town board. If any member of the town board cannot be personally notified in writing, the town clerk shall deliver or have delivered a copy of the written Open Meeting Notice and Agenda at the home of any such member of the town board in the presence of an adult member of the family of the town board member. If written notice of the special meeting cannot be served upon any member of the town board through an adult family member, the town clerk shall post the special meeting written notice and agenda in 3 usual and customary locations [, as noted in subsection C, *if subsection C is adopted*]. The presiding officer, or his or her designee, shall be responsible for publishing notice of the agenda as required by law.
4. The town clerk shall file proof of service of the special meeting notice by filing an affidavit noting the time, place, and location of authorized service of the special meeting notice upon the town board. If personal service upon any member of the town board of the town was not completed, the town clerk shall state in the affidavit the type of service or written notice completed.
5. Special meetings of the town board may be held without service and notice under paragraph 3 when a quorum of members of the town board are present at a prior town board meeting at which oral notice of the special meeting is given or when a quorum of the town board members consent in writing to the holding of a future special meeting of the town board. Any consent by any member of the town board shall be noted on record by the town clerk prior to the beginning of any special meeting of the town board.
6. Special meetings of the town board attended by a quorum of the members shall be considered a regular meeting of the town board for the transaction of any town business that may come before the town board if the business considered was so noted in the written meeting notice and agenda.
7. The town board may, by majority vote, adjourn any special meeting of the town board from time to time to a specific date and hour. The adjournment to the specific time and place shall be in compliance with subch. [V of ch. 19](#), Wis. stats., including proper notice and agenda.
- E. **Order and Conduct at Any Town Board Meeting.** 1. Unless a reformed business order agenda is approved by the town board and unless the reformed business order agenda is properly noticed in compliance with

## WISCONSIN TOWN LAW FORMS

subch. V of ch. 19, Wis. stats., and then presented in writing to the town clerk prior to the meeting, the regular business order and agenda of meetings of the town board shall be as set forth in paragraph 2. The town chair, in consultation with the town clerk, shall establish the specific business items included in the agenda for each meeting and shall post the Open Meeting Agenda Notice for the meeting. Any town board member may contact the town clerk to request a specific item be placed on the agenda and that item shall be placed on the agenda, unless the town board has, at a previous meeting, determined that the item shall not be included. The agenda order for specific issues or items related to any procedural motions, communications, petitions, reports, unfinished business, motions, resolutions, ordinances, and new business shall be established by the town chair after consultation with the town clerk. However, a majority of the town board may at the meeting properly move or remove any matter included on the agenda if the matter is in compliance with the Notice and Agenda requirements of subch. V of ch. 19, Wis. stats. No matters may be added to the agenda without proper notice under subch. V of ch. 19, Wis. stats.

2. The regular business order agenda for the town shall be:
    - a. Call to order.
    - b. Roll call/Quorum call/Verification of public notice and approval of agenda of the town board meeting.
    - c. Public comments and suggestions from residents of the town and other persons present. Introduction of guests.
    - d. Reading and approval of minutes of prior meeting after errors in the minutes have been rectified to the satisfaction of the town board.
    - e. Procedural motions by members of the town board. [*List each motion and contents of motion to be discussed and possible town board actions to be taken.*]
    - f. Communications and petitions by town clerk – No discussion or action.
    - g. Reports of specific standing committees. [*List reports and content to be discussed by and with town board.*] No action to be taken.
    - h. Reports of special committees, special commissions, and special boards. [*List reports and content to be discussed by and with town board.*] No action to be taken.
    - i. Reports of town officers. [*List specific reports and content to be discussed with town board.*]
    - j. Public hearings and advisory votes. [*List and describe each individual subject and content and any possible discussion and possible action to be taken by the town board after the hearing.*]
    - k. Specific matters for discussion and possible action by town board in open session:
      - i.
      - ii.
      - iii. [*so continue*]
    - L. Specific matters intended for discussion and possible action by town board for closed session under one or more of the below-noted closed-session exemptions and reasons that allow for closed session: (Optional)
      - i.
      - ii.
      - iii. [*so continue*]
    - m. Specific matters intended for discussion and possible action by town board for reconvened open session. (Optional) Future meeting agenda/Discussion and possible action on future town board agenda, including specific items for inclusion on or exclusion from future agenda.
    - n. Adjournment.
  3. At the meeting of the town board, any member of the town board may take up any business on the agenda in any other order unless there is objection by any other member of the town board.
  4. All written petitions, written communications, and written reports to the town board and all written and oral requests to address the town board shall be presented by the town clerk to the town chair, or to the person presiding at the meeting of the town board.
- F. **Quorum at Roll Call of Meeting.** If no legal quorum is present at the time of the initial roll call, the meeting of the town board shall be immediately adjourned to a specific date and hour by the members of the town board then present. At any time during a meeting when a legal quorum is not present, a motion to adjourn to a specific date and hour is proper.
- G. **Absence of Town Clerk at Meeting.** If the town clerk is not present at the time of the initial roll call of a meeting of the town board, the town chair shall appoint the deputy town clerk or any other person



present at the meeting to be the town clerk pro tem. The town clerk pro tem shall prepare and maintain minutes of the meeting of the town board. The town clerk pro tem shall deliver these minutes to the town clerk after the end of the meeting of the town board or when the town clerk pro tem is replaced during the meeting by the town clerk.

- H. **Absence of Town Chair at Call to Order of Meeting.** The presiding officer at the meeting of the town board is the town chair. If the town chair is not present at the time for the call to order, the senior member of the town board present, based on date of original election as a member of the town board, shall call the meeting of the town board to order, call the initial roll call, and preside as town chair until the town chair is able to preside at the meeting. If after the initial roll call the town board determines that the town chair will not be able to at any time preside at the meeting, the town board shall by motion elect an acting town chair for the meeting.
- I. **Vacation of Town Chair or Presiding Officer at Meeting.** If the town chair or any other presiding officer of the town board desires to speak on any question or to make any motion, the town chair or the presiding officer may speak or make a motion without vacating the chair or without designating a member of the town board to preside at the meeting as town chair pro tem.
- J. **Meeting in Open Session.** Any meeting of the town board to exercise its responsibilities, authority, power, or duties shall be in open session and accessible to the public, except as provided in ss. 19.82, 19.83, and 19.85, Wis. stats. All discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon, and acted upon only in open session except as provided in s. 19.85, Wis. stats.
- K. **Audit of Accounts.** The town board shall at each regular meeting be presented by the town clerk with the financial accounts of the town for auditing and possible action by the town board. All accounts shall be filed with the town clerk at least \_\_\_\_ days prior to the next meeting of the town board in order for the account to be presented by the town clerk at the upcoming meeting of the town board.
- L. **Receipts of Funds.** Any town officer, town employee, or agent of the town in possession of funds or receipts or earnings of the town shall deposit any such funds, receipts, or earnings with the town treasurer on at least a weekly basis unless approved otherwise by the town board. The town board shall be advised by the town treasurer on a monthly basis of any funds outstanding that have not been properly deposited with the town treasurer. All elected and non-elected town officers and town employees, within \_\_\_\_ days of taking office, hiring, or rehiring, shall be informed of the requirements of this provision by the town treasurer.
- M. **Specific Rules of Conduct at Town Board or Town Meetings.**
  - 1. *Roberts Rules of Conduct.* Unless other rules of conduct are specifically adopted and codified by ordinance by the town board, all meetings of the town board and of the town meeting shall be governed by Roberts Rules of Order, newly revised.
  - 2. *Members to be Recognized.* The presiding officer of the meeting of the town board shall recognize any member of the town board prior to that town board member addressing the town board. At any town meeting the presiding officer shall recognize any person at the town meeting prior to that person addressing the town meeting.
  - 3. *Remarks to Presiding Officer.* All members of the town board shall address all remarks to the presiding officer at any meeting of the town board. All persons addressing the town meeting shall address all remarks to the presiding officer of the town meeting.
  - 4. *Speaking Before Town Board.* No person at a meeting of the town board being conducted in open session, other than the members of the town board, shall address the town board or any member of the town board, except when public comments are authorized on the meeting agenda, and then only with approval of the town chair or by majority vote of the town board. This provision shall not apply under the specific items of business listed on the meeting agenda to recognize members of any town office, town committee, town agency, town commission, or a special board or other town officers in an open meeting if the subject and content for discussion has been noted specifically on the meeting agenda.
  - 5. *Order and Decorum.* The presiding officer at any town board meeting or town meeting shall maintain order and decorum. Any person who conducts himself or herself in a disorderly manner as determined by the presiding officer may be removed from the town board or town meeting by order of the presiding officer. The presiding officer may seek law enforcement assistance of the constable or other law enforcement officer for such removal until the meeting is adjourned.
  - 6. *Town Meeting Procedure.* A town meeting, annual or special, shall follow the procedure noted in s. 60.14,

## WISCONSIN TOWN LAW FORMS

Wis. stats. All votes taken shall be by voice vote or by open ballot. All reconsideration of actions at the town meeting shall follow the procedure noted in s. 60.14 (4), Wis. stats. All of the following apply to the conduct of a town meeting:

- a. The current town chair, if present, shall be the presiding officer of a town meeting. If the town chair is not present, another town supervisor shall preside at the meeting upon the vote of the meeting. If no town supervisor is present, the meetings shall nominate and elect the presiding officer of the meeting.
  - b. The town clerk, deputy town clerk, or an appointed clerk shall perform the duties of clerk for the town meeting under s. 60.15, Wis. stats.
  - c. The town meeting may require the clerk to keep a poll list with the name and address of each elector voting at the meeting.
- N. **Excused Voting.** For voting upon orders, motions, resolutions, ordinances, action items, business items, or any other question, all individual members of the town board present at the town board meeting shall vote when that individual town board member's name is called unless for special cause a town board member has been excused prior to the vote by an affirmative roll call vote of the remaining members or if the town board member states that he or she refuses to vote. No reason need be stated for a refusal to vote. Any member of the town board voting in the majority on any matter may move for reconsideration of the vote at the meeting at which the vote was taken. A motion to reconsider being proposed and then defeated shall not be renewed. No vote for rescission of any action shall be taken without majority vote of the town board and then only if rescission of the action is an agenda item.
- O. **Motions Stated.** Prior to any debate on any matter, the members of the town board shall be entitled to a clear understanding of the motion before the town board. The person making the motion shall clearly state the motion. There shall be requested a second to any motion prior to any debate or discussion of the motion by the town board. Motions made in writing by a member of the town board and provided to the town clerk prior to the meeting shall be provided priority in the appropriate order of business. The town chair shall restate the motion prior to any debate and discussion. Any member of the town board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the town board prior to the final vote on the matter. All votes on motions, resolutions, orders, and ordinances shall be recorded by town clerk or other agent of the town board.
- P. **Change of Vote.** No member of the town board may change his or her vote on any action item, business item, motion, or question after the final result has been announced by the presiding officer.
- Q. **Priority Matters.** When any action item, business item, motion, or question is before the town board, no other action item, business item, motion, or question shall be in order except any of the following:
1. A motion to adjourn or recess the meeting.
  2. A motion to lay the question on the table.
  3. A motion to call the question.
  4. A motion to postpone the question to a date certain.
  5. A motion to refer the question to a standing committee or other committee.
  6. A motion to amend or divide the questions.
  7. A motion to postpone the question indefinitely.
  8. A motion to introduce a matter related to the question.
- R. **Motions with Preferences.** During any meeting of the town board certain motions will have preference. In order of preference, the items to be given preference are:
1. *Motion to Adjourn.* A motion to adjourn can be made at any time and has first precedence. This is a non-debatable motion.
  2. *Motion to Lay on Table.* A motion to lay on the table may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a nondebatable motion.
  3. *Motion to Call Previous Question.* A motion to call the previous question may be made at any time after the debate or discussion commences related to any action item, business item motion, or question that is properly before the town board. This motion is a nondebatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. The motion, if adopted, brings the town board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion, or question.
  4. *Motion to Postpone to Date Certain.* A motion to postpone to a certain date may be made at any time after the debate and discussion commences on an action item, business item, motion, or question that is prop-



## WISCONSIN TOWN LAW FORMS

erly before the town board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. This motion must establish a date and time certain when the debate and discussion before the town board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the town board.

5. *Motion to Committee.* A motion to refer to a committee may be made at any time after the debate and discussion commences on an action item, business item, motion, or question that is properly before the town board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. This motion, if adopted, forwards the action item, business item, motion, or question to a committee for further review and discussion. The committee must be a committee of the town board.
  6. *Motion to Amend or Divide Question.* A motion to amend or divide the question may be made at any time after debate and discussion commences on the action item, business item, motion, or question properly before the town board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion, or main question pursuant to the method described and adopted in the motion to divide.
  7. *Motion to Postpone Indefinitely.* A motion to postpone indefinitely may be made at any time after debate and discussion commences on the action item, business item, motion, or question properly before the town board. This motion is debatable. This motion, if adopted, ends the action item, business item, motion, or question.
  8. *Motion to Introduce Matter Related to Action Item, Business Item, Motion, or Question.* A motion to introduce a matter related to the action item, business item, motion, or question may be made at any time after the debate and discussion commences on the action item, business item, motion, or question properly before the town board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
  9. *Motion to Reconsider.* A motion to reconsider may be made by a member who cast a vote on the prevailing side of the question proposed to be reconsidered if the motion is made at the same meeting at which the decision was made or at the next meeting of the town board. A motion to reconsider being made and the vote lost shall not be renewed nor shall the subject be considered a second time. The town board shall not act upon the motion to reconsider if vested rights of the town or any person will be violated by the reconsideration action of the town board.
  10. *Motion to Rescind.* A motion to rescind may be made by any member of the town board at any time to rescind a decision made at a prior town board meeting, but shall require a majority vote of the town board. The town board shall not act upon the motion if vested rights of the town or any person will be violated by the rescission action.
  11. *Action Items, Business Items, Motions, or Questions.* No action item, business item, motion, or question at a public meeting shall be included, or considered, by the town board on its business order agenda unless the action item, business item, motion, or question was initially presented to the town board and included on the meeting agenda by a town board member or the town clerk. No member of the town board shall request, at a meeting of the town board, a vote from the general public unless the proposed vote of the general public is so noted by the town chair or the presiding officer of the meeting as strictly an advisory vote to the town board and the vote was specifically included as a possible action item before the town board on the meeting agenda. Any vote taken by the general public at a meeting of the town board shall be considered by the town board only as an advisory vote and shall not be considered as a directory vote. Specific directory votes to require certain actions to be taken by the town board may only occur at an annual or special town meeting if the action by the electors at the annual or special town meeting is provided for by state law. No directory vote will be taken at an annual or special town meeting if the action cannot be demonstrated as a statutory power of the annual or special town meeting.
- S. **Town Board Action at First Meeting.** 1. *Date of First Public Meeting.* The first regular meeting of the town board shall be held on the \_\_\_\_ [insert day of week] in April in the odd year.
2. *Appointment of Committees.* The town chair or town board shall, at the first meeting or, if the established meeting agenda does not permit, at the second meeting, appoint or reappoint persons to the following special offices of the town, namely: [list].

## WISCONSIN TOWN LAW FORMS

3. *Appointment, Designation, Retention, or Employment of Officers.* The town board shall, at its first meeting or, if the established meeting agenda does not permit, at the second meeting, appoint, reappoint, designate, retain, or employ persons to the following town offices, if these offices have been previously created by the town board and their terms have expired, namely:
    - a. Town Attorney.
    - b. Town Engineer.
    - c. Town Auditor.
    - d. Town Surveyor.
    - e. Town Health Officer.
    - f. Town Humane Officer.
    - g. Town Superintendent of Highways.
    - h. Town Assessor.
    - i. Town Administrator.
    - j. Town Emergency Government Officer.
    - k. Town Plan Commission Members.
    - l. Town Ethics Board Members.
    - m. *[list others]*.
  4. *Public Depositories.* The town board shall, at its first meeting or, if the established meeting agenda does not permit, at the second meeting, designate one or more public depositories for depositing town funds.
  5. *Town Constable.* The town board shall, at its first meeting or, if established meeting agenda does not permit, at the second meeting, designate the jurisdiction and duties of the town constable if the office of town constable has been created.
  6. *Other Actions.* The town board shall, at its first meeting or, if the established meeting agenda does not permit, at the second meeting, address, in addition, the following items: *[list]*.
- T. **Suspension of Rules.** The rules of conduct under this ordinance or any part of these rules or any other rules of conduct of the town board may be temporarily suspended at any meeting of the town board, including any special meeting of the town board, in connection with any matter under consideration by the town board. Any rules of conduct may be suspended by a recorded affirmative roll call vote of two-thirds or more of the members of the town board present at the meeting unless the suspension would violate federal or state laws or regulations.
- U. **Amendment of Rules.** The rules of conduct stated in this ordinance or any part of these rules or any other rules of the town board may be altered or amended at any meeting of the town board on proper notice and inclusion in the meeting agenda, including any special meeting of the town board. Any rules stated in this ordinance may be altered or amended by a recorded affirmative roll call vote of two-thirds or more of the members of the town board present at the meeting of the town board.

### SECTION VI – APPLICABILITY OF RULES OF CONDUCT TO TOWN SUBUNITS

The rules of conduct stated in this ordinance shall control the conduct of all meetings of subunits of the town to the extent applicable.

### SECTION VII – SEVERABILITY

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

### SECTION VIII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## WISCONSIN TOWN LAW FORMS

[Signature of town board]

Attest: [Signature of town clerk]

*\*Note: This procedure is adapted for compliance with the requirements of the Wisconsin Open Meeting Law, subch. V of ch. 19, Wis. stats., and is not mandatory.*

### 19.84: Town board meeting and agenda; notice

The following statutes affect this form: s. 19.84, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereby provides its written notice and an agenda of the public meeting of the Town Board of the Town of \_\_\_\_\_ for \_\_\_\_\_, 20\_\_, at \_\_\_\_\_.m., at \_\_\_\_\_. The town chairperson, or a designee, has provided communication of this public meeting to the requisite news media and to the official town newspaper, if any.\* The public may provide comments to the town board if a period for public comment is noted on the agenda and upon recognition by the presiding officer.

#### AGENDA

1. Call to order.
2. Roll call/Quorum call/Verification of public notice and approval of agenda of the town board meeting.
3. Public comments and suggestions from residents of the town and other persons present.\*\* Introduction of guests.
4. Reading of minutes of prior meeting and approving these minutes after errors in the minutes have been rectified to the satisfaction of the town board.
5. Procedural motions by members of the town board. [*List each motion and contents of motion to be discussed and possible town board actions to be taken.*]
6. Communications and petitions by town clerk – No discussion or action.
7. Reports of specific standing committees. [*List reports and content to be discussed by and with town board.*] No action to be taken.
8. Reports of special committees, special commissions, and special boards. [*List reports and content to be discussed by and with town board.*] No action to be taken.
9. Reports of town officers. [*List specific reports and content to be discussed with town board.*]
10. Public hearings and advisory votes - [*List and describe each individual subject and content and any possible discussion and possible action to be taken by the town board after the hearing.*]
11. Specific matters for discussion and possible action by town board in open session:
  - i.
  - ii.
  - iii.
  - iv. [*so continue*]
12. Specific matters intended for discussion and possible action by town board for closed session under one or more of the below-noted closed-session exemptions and reasons that allow for closed session: (Optional)
  - i.
  - ii.
  - iii.
  - iv. [*so continue*]
13. Specific matters intended for discussion and possible action by town board for reconvened open session. (Optional) Future meeting agenda/Discussion and possible action on future town board agenda, including specific items for inclusion on or exclusion from future agenda.

## WISCONSIN TOWN LAW FORMS

### 14. Adjournment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Meeting notice posted or published as follows: *[state method of publication or posting notice]*.

*[Signature of town chair or designee]*

**\*Note:** Section *19.84 (1) and (3)*, Wis. stats., provide:

**19.84 (1)** Public notice of all meetings of a governmental body shall be given in the following manner:

(a) As required by any other statutes; and

(b) By communication from the chief presiding officer of a governmental body or such person's designee to the public, to those news media who have filed a written request for such notice, and to the official newspaper designated under ss. *985.04*, *985.05* and *985.06* or, if none exists, to a news medium likely to give notice in the area. Communication from the chief presiding officer of a governmental body or such person's designee shall be made to the public using one of the following methods:

1. Posting a notice in at least 3 public places likely to give notice to persons affected.
2. Posting a notice in at least one public place likely to give notice to persons affected and placing a notice electronically on the governmental body's Internet site.
3. By paid publication in a news medium likely to give notice to persons affected.

**(3)** Public notice of every meeting of a governmental body shall be given at least 24 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting.

**\*\*Note:** Provision may be made for more than one public comment period if included in the agenda. If members of a subunit of the town will be at the town board meeting, add:

Members of a subunit of the Town of \_\_\_\_\_ may attend the town board meeting to gather information regarding subjects for which these subunits may have decision making responsibilities. No discussion or action will be taken by the subunit or its members at the town board meeting if it may have decision making responsibilities.

### **19.85: Town board member to request closed session of town board; motion**

The following statutes affect this form: s. *19.85*, Wis. stats.

I, \_\_\_\_\_, on \_\_\_\_\_, 20\_\_, at the properly noticed and called town board meeting of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, with a quorum of the town board present and voting, as a voting and authorized member of the town board, move and request the town board now for a closed session of the town board, under s. *19.85*, Wis. stats., and I move and request, for the record in the town board minutes, a roll call vote of the town board members present and voting on this motion. I respectfully include in this motion and request that the town board approve the following persons to be allowed to enter and remain in the approved closed session, subject to the individual or group removal of any person from the closed session at any time by majority vote of the town board members present and voting in the closed session: *[name persons]*.

*[Include either Option 1 or 2, as applicable.]*

*[Option 1]* – The town board will be adjourning at the end of the closed session.

*[Option 2]* – The town board will reconvene into open session after the closed session.

## WISCONSIN TOWN LAW FORMS

The nature of the business to be considered in the closed session is the following: *[state specific nature of business to be considered in closed session]*.

The specific exemption or exemptions claimed for a closed session under s. 19.85, Wis. stats., are: *[cite specific statute exemptions]*.

### **19.85: Chief presiding officer's proposed town board closed session; notice**

The following statutes affect this form: s. 19.85, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, on \_\_\_\_\_, 20\_\_, as the chief presiding officer at this properly noticed and called town board meeting of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, announce and give notice to those present at this open meeting that a motion to convene the town board in a closed session meeting was made by a town board supervisor prior to this announcement and notice.

The nature of the proposed business to be considered in the closed session by the town board is the following: *[state specific nature of business to be considered in closed session]*.

The specific statutory exemption or exemptions under s. 19.85, Wis. stats., claimed for which the closed session is to be authorized are the following: *[cite specific statute exemptions]*.

If the motion to convene in closed session is approved by the town board, I will then announce the closed session and request the public to leave the public meeting location, where the town board will meet in closed session, except that those specific persons named in the motion will be allowed to attend all or part of the closed session of the town board, in accordance with the motion.

### **60.21 (1): Creation of five-member town board; ordinance**

The following statutes affect this form: s. 60.21 (1), Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has been authorized by the town electors to exercise village powers pursuant to ss. 60.10 (2) (c) and 60.22 (3), Wis. stats.; and

Whereas, s. 60.21 (1), Wis. stats., authorizes town boards with village powers to establish a 5-member town board; and

Whereas the Town Board has determined that a 5-person town board would provide greater representation to the residents of the Town of \_\_\_\_\_;

The Town Board, pursuant to s. 60.21 (1), Wis. stats., by this ordinance adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, elects and ordains to increase the number of town supervisors for the Town of \_\_\_\_\_ to 5 members and further ordains that the 5-member town board for the Town of \_\_\_\_\_ shall be created as follows:

For the spring election in April 20\_\_, there will be a chair and 4 supervisors elected. The 2 supervisors receiving the

## WISCONSIN TOWN LAW FORMS

greatest number of votes shall be elected for 2-year terms. The 2 supervisors receiving the next highest number of votes shall be elected for one-year terms. Each year thereafter, 2 supervisors will be elected for 2-year terms at each spring election, creating staggered terms pursuant to s. 60.21 (1), Wis. stats.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 985.02 (2) (d): Proof of posting

The following statutes affect this form: s. 985.02 (2) (d), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, being duly sworn, states that [he or she] is the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin; that on \_\_\_\_\_, 20\_\_, [he or she] posted notices of \_\_\_\_\_ [specifically describe the notice posted], a copy of which is annexed and made part hereof, in 3 of the most public places in the town, to wit: [state the several places].

[Signature of town clerk]

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of officer administering oath]

Filed in my office \_\_\_\_\_, 20\_\_.

Recorded in the town bond record book on page \_\_\_\_\_, on \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** If the notice was published in a local newspaper, obtain and file and record the printer's affidavit of publication of the notice. See s. 985.12, Wis. stats.

## Highways and Vehicles

### 23.33: All-terrain vehicle [and utility terrain vehicle] route ordinance

The following statutes affect this form: s. 23.33, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

## WISCONSIN TOWN LAW FORMS

### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ All-Terrain Vehicle[and Utility Terrain Vehicle] Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle [and utility terrain vehicle] routes in the town and to regulate the operation of all-terrain vehicles [and utility terrain vehicles] in the town.

### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle [and Utility Terrain Vehicle] Ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

### SECTION III – ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain vehicle [and utility terrain vehicle] routes in the town and to regulate the use of those routes and all-terrain vehicles [and utility terrain vehicles] in the town, designates all-terrain vehicle [and utility terrain vehicle] routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles [and utility terrain vehicles] in the town.

### SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES [AND UTILITY TERRAIN VEHICLES]

Pursuant to s. 23.33 (4) (d) 4., Wis. stats., except as otherwise provided in s. 23.33 (4), Wis. stats., no person may operate an all-terrain vehicle [and utility terrain vehicle] on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle [and utility terrain vehicle] routes by this ordinance. Operation of all-terrain vehicles [and utility terrain vehicles] on a roadway in the town that is an all-terrain vehicle [and utility terrain vehicle] route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

### SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE [AND UTILITY TERRAIN VEHICLE] ROUTES

A. 1. The following routes are designated all-terrain vehicle [and utility terrain vehicle] routes in the town:

*[list road names and designate parts of roads and locations affected or attach a plat map to the ordinance with designated highways marked as all-terrain vehicle [and utility terrain vehicle] routes].*

Or

2. All highways are designated all-terrain vehicle [and utility terrain vehicle] routes in the town, except the following:

*[list road names and designate parts of roads and locations affected or attach a plat map to the ordinance with designated highways marked as exceptions to the designation of all highways as all-terrain vehicle [and utility terrain vehicle] routes].*

B. The following corridors are designated as trails in the town :\*

*[describe affected parcels and designate corridors over the affected parcels and attach a plat map to the ordinance with designated corridors marked as off-highway motorcycle trails].*

### SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE [AND UTILITY TERRAIN VEHICLE] ROUTES

Pursuant to s. 23.33 (8) (d), Wis. stats., the following restrictions are placed on the use of the town all-terrain vehicle [and utility terrain vehicle] routes designated by this resolution:

A. Routes shall be marked with uniform all-terrain vehicle [and utility terrain vehicle] route signs in accordance

## WISCONSIN TOWN LAW FORMS

with s. 23.33 (8) (e), Wis. stats., and s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle [and utility terrain vehicle] routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
  2. Possess any uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s. 23.33, Wis. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. stats.
- C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the \_\_\_\_\_ County Sheriff's Department and any other law enforcement agency serving the Town of \_\_\_\_\_'s jurisdiction.
- D. *[List additional restrictions and applicable time periods, if any, for example:  
All all-terrain vehicle [and utility terrain vehicle] operators shall observe posted roadway speed limits.  
All all-terrain vehicle [and utility terrain vehicle] operators shall ride single file.  
All all-terrain vehicle [and utility terrain vehicle] operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.]*

### SECTION VII – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin [and additionally as stated in the Town's citation authority ordinance adopted per s. 66.0113]

### SECTION VIII – PENALTIES

The penalties under s. 23.33 (13), Wis. stats., are adopted by reference.

### SECTION IX – SEVERABILITY

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

### SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** Information on all-terrain vehicles generally, including registration requirements and applications, can be accessed on the Department of Natural Resources website at the following address:

<https://dnr.wisconsin.gov/permits/registrations#1>



## WISCONSIN TOWN LAW FORMS

***Note:** Information regarding all-terrain vehicle routes, including suggested Route Ordinance formats can be accessed on the Department of Natural Resources website at the following address:*

<https://widnr.widen.net/s/r57n2bmj5t>

### **23.335: Off-highway motorcycle ordinance**

The following statutes affect this form: s. [23.335](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of \_\_\_\_\_ Off-highway Motorcycle Ordinance. The purpose of this ordinance is to establish off-highway motorcycle routes and trails in the town and to regulate the operation of off-highway motorcycles in the town.

#### **SECTION II – AUTHORITY**

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority to adopt this Off-highway Motorcycle Ordinance under s. [23.335 \(19\) \(b\)](#) and [\(c\)](#) and [\(21\)](#), Wis. stats.

#### **SECTION III – ADOPTION OF ORDINANCE**

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting designates off-highway motorcycle routes and trails in the town and provides for the regulation of the use of those routes and trails and of off-highway motorcycles in the town.

#### **SECTION IV – SUBDIVISION AND NUMBERING OF THIS ORDINANCE**

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

#### **SECTION V – DEFINITIONS**

In this ordinance:

- A. “Limited use off-highway motorcycle” means an off-highway motorcycle that is not registered by the Department of Transportation for use on highways.
- B. “Off-highway motorcycle” means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway.
- C. “Off-highway motorcycle route” means a highway or sidewalk designated for recreational use by operators of off-highway motorcycles by the town.
- D. “Off-highway motorcycle trail” means a marked corridor on public property or on private lands subject to public easement or lease, designated for recreational use by operators of off-highway motorcycles by the town.
- E. “Operate” means to exercise physical control over the speed or direction of an off-highway motorcycle or to physically manipulate or activate any of the controls of an off-highway motorcycle necessary to put it in motion.
- F. “Operation” means the exercise of physical control over the speed or direction of an off-highway motorcycle or the physical manipulation or activation of any of the controls of an off-highway motorcycle necessary to put it in motion.

## WISCONSIN TOWN LAW FORMS

- G. “Operator” means a person who operates an off-highway motorcycle, who is responsible for the operation of an off-highway motorcycle, or who is supervising the operation of an off-highway motorcycle.
- H. Except in subsection C, “route” means an off-highway motorcycle route.
- I. Except in subsection D, “trail” means an off-highway motorcycle trail.

### SECTION VI – OPERATION OF LIMITED USE OFF-HIGHWAY MOTORCYCLES ON TOWN HIGHWAYS

Pursuant to s. 23.335 (10) (a) 4., Wis. stats., except as otherwise provided in s. 23.335 (10), Wis. stats., no person may operate a limited use off-highway motorcycle on the roadway portion of any highway in the town except a highway that is designated as a route in subsection VII A. Operation of a limited use off-highway motorcycle on a highway in the town that is a designated route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

### SECTION VII – DESIGNATION OF ROUTES AND TRAILS

- A. The following highways in the town are designated as routes:\*

*[list road names and designate parts of roads and locations affected and attach a plat map to the ordinance with designated highways marked as off-highway motorcycle routes].*

- B. The following corridors are designated as trails in the town :\*

*[describe affected parcels and designate corridors over the affected parcels and attach a plat map to the ordinance with designated corridors marked as off-highway motorcycle trails].*

### SECTION VIII – CONDITIONS APPLICABLE TO ROUTES AND TRAILS

Pursuant to s. 23.335 (19) (d), Wis. stats., the following restrictions are placed on the use of the routes and trails designated in Section VII:

- A. Routes and trails shall be marked with uniform route and trail signs in accordance with s. 23.335 (19) (e), Wis. stats. No person may do any of the following in regard to signs marking routes or trails:
  - 1. Intentionally remove, damage, deface, move, or obstruct any uniform route or trail sign or standard or intentionally interfere with the effective operation of any uniform route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
  - 2. Possess any uniform route or trail sign or standard of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform route or trail sign or standard in a lawful manner. Possession of a uniform route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s. 23.335, Wis. stats.
- C. *[List additional restrictions and applicable time periods, if any, for example:  
All off-highway motorcycle operators shall observe posted roadway speed limits.  
All off-highway motorcycle operators shall ride single file.  
All off-highway motorcycle operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.]*

### SECTION IX – INCORPORATION OF STATE STATUTE BY REFERENCE

Section. 23.335, Wis. stats., is adopted as a part of this ordinance by reference, pursuant to s. 23.335 (21), Wis. stats. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the State Traffic patrol, the \_\_\_\_\_ County Sheriff’s Department and any other law enforcement agency serving the Town of \_\_\_\_\_’s jurisdiction.

## WISCONSIN TOWN LAW FORMS

### SECTION X – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin [and additionally as stated in the Town's citation authority ordinance adopted per s. [66.0113](#)].

### SECTION XI – PENALTIES

The penalties under s. [23.335 \(23\)](#), Wis. stats., are adopted by reference. Violators of Section VIII C, or any other provision of this ordinance for which a penalty is not provided under s. [23.335 \(23\)](#), Wis. stats., shall, upon conviction, pay a forfeiture of not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_, plus the applicable surcharges, assessments, and costs for each violation.

### SECTION XII – SEVERABILITY

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

### SECTION XIII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Section [23.335 \(19\) \(b\)](#) and [\(c\)](#), Wis. stats., provides:

**23.335 (19) (b) Trails.** A local governmental unit or the department may designate corridors through land which it owns or controls, or for which it obtains leases, easements, or permission, for recreational use as off-highway motorcycle trails. A designation may include all or a portion of an all-terrain vehicle trail.

**(c) Routes.** A local governmental unit may designate highways as off-highway motorcycle routes. No state trunk highway or connecting highway may be designated as an off-highway motorcycle route unless the department of transportation approves the designation.

### **[66.0425: Road use and motor vehicle control ordinance](#)**

The following statutes affect this form: ss. [66.0425](#), [82.03](#), [86.07](#), [349.06](#), and [349.065](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Road Use and Speed Control Ordinance. The purpose of this ordinance is for the Town of \_\_\_\_\_ to provide for traffic control and to regulate by permit motor vehicle, snowmobile, all-terrain vehicle, and other vehicle and non-vehicular uses and activities on the town highways.

## WISCONSIN TOWN LAW FORMS

### SECTION II – AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to [optional the village powers of the town under s. 60.22, Wis. stats., and] ss. 66.0425, 82.03, 86.07, 349.06, Wis. stats., [optional (any or all of the following) s. 23.33 (11), 23.335 (21), 61.35, 62.23 (6), 86.16, 349.11, 349.17, 350.18 (3) (a), Wis. stats.] and chs. 340 to 348, 350, and 941 to 947, Wis. stats.

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for traffic control and the regulation by permit of certain motor vehicle, snowmobile, all-terrain vehicle, and other vehicle and non-vehicular uses and activities on the town highways.

### SECTION IV – DEFINITIONS

In this ordinance:

- A. “All-Terrain Vehicle” means an engine-driven device that has a net weight of 900 pounds or less, has a width of 48 inches or less, is equipped with a seat designed to be straddled by the operator, and is designated to travel on 3 or more low-pressure tires. A low-pressure tire is a tire that has a minimum width of 6 inches, is designated to be mounted on a rim with a maximum diameter of 12 inches, and is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.
- B. “Automobile” means any of the following:
  - 1. Type 1 is a motor vehicle designed and used primarily for carrying persons, but that does not come within the definition of a motor bus, motorcycle, moped, or motor bicycle.
  - 2. Type 2 is a motor vehicle capable of speeds in excess of 30 miles per hour on a dry, level, hard surface with no wind, designed and built to have at least 3 wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top that may be convertible.
- C. “Highway” means all public ways and thoroughfares in the town and all bridges in the town on public ways and thoroughfares, including all of the following:
  - 1. The entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.
  - 2. Those roads or driveways in the state, county, or town parks and in state forests that have been opened to the use of the public for the purpose of vehicle travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), Wis. stats., and institutions under the jurisdiction of the \_\_\_\_\_ County Board of Supervisors, but does not include private roads or driveways.
- D. “Motor vehicle” means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail. “Motor vehicle” includes, without limitation, an automobile, a commercial motor vehicle, or a vehicle that is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile or all-terrain vehicle is considered a motor vehicle for purposes made specifically applicable by this ordinance, unless noted to the contrary in this ordinance. Any electric personal assistance mobility device shall not be considered a motor vehicle.
- E. “Off-highway motorcycle” means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway.
- F. “Official traffic-control device” means any sign, signal, marking, or device, not inconsistent with chs. 341 to 349, Wis. stats., placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.
- G. “Park” or “parking” means the halting of a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers.
- H. “Snowmobile” means an engine-driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow, but does not include a vehicle that is any of the following:
  - 1. A vehicle that has inflatable tires.

## WISCONSIN TOWN LAW FORMS

2. A vehicle that is driven by a motor of 4 horsepower or less and is operated in sanctioned races, derbies, competitions, or exhibitions or only on private property.
- I. “Town” means the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- J. “Town board” means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board.
- K. “Town clerk” means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- L. “Vehicle” means an automobile and other motor vehicles as defined in s. 340.01 (35), Wis. stats., and includes, specifically, all of the following:
1. All-terrain vehicle.
  2. Camping trailer, as defined in s. 340.01 (6m), Wis. stats.
  3. Farm tractor, as defined in s. 340.01 (16), Wis. stats.
  4. Farm trailer, as defined in s. 340.01 (17), Wis. stats.
  5. Farm truck, as defined in s. 340.01 (18), Wis. stats.
  6. Farm truck tractor, as defined in s. 340.01 (18g), Wis. stats.
  7. Implement of husbandry, as defined in s. 340.01 (24), Wis. stats.
  8. Junk vehicle, as defined in s. 340.01 (25j), Wis. stats.
  9. Mobile home, as defined in s. 340.01 (29), Wis. stats.
  10. Moped, as defined in s. 340.01 (29m), Wis. stats.
  11. Motor bicycle, as defined in s. 340.01 (30), Wis. stats.
  12. Motor bus, as defined in s. 340.01 (31), Wis. stats.
  13. Motorcycle, as defined in s. 340.01 (32), Wis. stats.
  14. Motor home, as defined in s. 340.01 (33m), Wis. stats.
  15. Motor truck, as defined in s. 340.01 (34), Wis. stats.
  16. Road machinery, as defined in s. 340.01 (52), Wis. stats.
  17. Road tractor, as defined in s. 340.01 (53), Wis. stats.
  18. School bus, as defined in s. 340.01 (56), Wis. stats.
  19. Snowmobile, as defined in s. 340.01 (58a), Wis. stats.
  20. Trailer, as defined in s. 340.01 (71), Wis. stats.
  21. Truck tractor, as defined in s. 340.01 (73), Wis. stats.
  22. “Utility terrain vehicle,” as defined in s. 23.33 (1) (ng), Wis. stats.
- M. “Wis. stats.” means the Wisconsin Statutes, including successor provisions.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – SPECIFIC PROVISIONS ON ROADS AND TRAFFIC CONTROL

- A. Except for the suspension or revocation of motor vehicle operator’s licenses, the town adopts all of the provisions of chs. 341 to 348 and 350, Wis. stats., for which the penalty for violation thereof is a forfeiture, which statutes are incorporated into this ordinance by reference as if fully set forth in this ordinance.
- B. No person may make any excavation in, place any fill upon, install any culvert in, make any alteration in or of, or in any manner disturb any town highway without a permit or approval therefor from the town board or its designee, as authorized by ss. 66.0425 and 86.07 or 86.16, Wis. stats. Any permit or approval issued under this subsection shall be subject to all of the following conditions:
1. The work shall be constructed subject to and in accordance with all rules and regulations that may be prescribed by the town board and be performed and completed to the town board’s satisfaction.
  2. In the case of temporary alterations, the highway shall be restored to its former condition, and the permittee shall be liable to the town for all damages that occur during the progress of or as a result of the work.

## WISCONSIN TOWN LAW FORMS

3. If any culvert is installed, excavation is made, fill is placed, or other alteration is made in violation of the provisions of this subsection, the highway may be restored to its former condition by the town board.
- C. Whenever any town highway is impassable or unsafe for travel, as determined by the town board, or during the construction or repair of any town highway and until it is ready for traffic, the town board may, pursuant to its oversight authority over town highways under s. 82.03, Wis. stats., close the highway and keep it closed by maintaining barriers at each end of the closed portion. The barriers shall be of such material and construction and so placed as to indicate that the highway is closed and shall be lighted at night. Persons without lawful authority of the town board, or its designees, shall not remove, take down, alter the position of, destroy, or pass over or beyond any barrier so erected, or travel with any vehicle upon any portion of a highway closed by barriers as provided in this subsection, or walk or travel in any manner upon the materials placed upon the closed highway as part of the repair or construction work.
- D. 1. The town board shall procure, erect, and maintain appropriate official traffic-control devices, conforming to the uniform traffic control devices manual adopted by the State of Wisconsin, Department of Transportation under s. 84.02 (4) (e), Wis. stats. Official traffic-control devices shall be erected and maintained in those locations and in the manner authorized by the town board to give adequate warning to users of the highway in question. The town chair or the town chair's designee shall be responsible for installing, repairing, and maintaining authorized official traffic-control devices.
2. The town clerk shall keep an official traffic-control device file and map located in the town clerk's office. The file shall contain a detailed listing of all authorized traffic-control devices as authorized by town board resolution or ordinance and their location in the town.
- E. 1. The town board, or its designee, or any law enforcement officer shall attach to a vehicle parking in violation of this subsection a citation to serve as notice to the owner or operator of the motor vehicle that the vehicle has been parked in violation of this subsection. The penalty for a violation of this subsection shall be a fine of \$\_\_\_\_\_ for the first violation within 24 hours and a fine of \$\_\_\_\_\_ for the second and each subsequent violation within 24 hours. Payment of the fine shall be made to the town clerk in accordance with this ordinance.
2. No person may park at any time any vehicle in any area on any highway in the town designated by the town board by resolution or ordinance and marked by official traffic control devices to be an area for pedestrians or other traffic, or as a "no parking" area.
3. No person may park any vehicle on any highway in the town for the primary purpose of advertising or storage.
4. No person may park any vehicle on any highway other than parallel to the highway within the town, unless angle parking lines have been authorized by the town board by resolution or ordinance for a designated area and the roadway marked accordingly by the proper town officials, in which event angle parking within the marked lines is mandatory.
5. No person may leave any motor vehicle on any highway in the town with the motor running or with any generator unit operating, unless the motor vehicle is occupied or attended by an individual licensed to operate the vehicle. Exceptions to this section may be granted for special or unusual circumstances with permission of a law enforcement officer or the town chair.
6. When so provided by the town board by resolution or ordinance and designated by official traffic-control devices giving notice thereof, no person may park any vehicle for a period in excess of that designated by the resolution or ordinance of the town board during the hours and subject to exceptions designated by the resolution or ordinance of the town board and as specified on the official traffic-control devices placed by the town. Temporary moving of a vehicle for a period of less than \_\_\_\_\_ minutes or moving the vehicle to a nearby similarly restricted parking area less than \_\_\_\_\_ [*designate distance*] from the original parking space shall not relieve a person from a penalty under this subsection.
- F. (Optional) The provisions of ss. 346.57, 346.58, and 346.59, Wis. stats., relating to the maximum and minimum speed of vehicles, are adopted as part of this ordinance as if fully set forth in this ordinance, except that under s. 349.11 (3) (c), Wis. stats., the following highways have speed limits that have been modified by the town board as follows: [*list*].
- G. 1. (Optional) The town board, by this ordinance and s. 349.15, Wis. stats., designates the following town highways in the Town of \_\_\_\_\_ as class "B" highways subject to the weight limits set forth in s. 348.16 (2), Wis. stats., unless increased by town ordinance: [*list highways, and affected locations if only parts of highways are affected, specifically describing them*].



## WISCONSIN TOWN LAW FORMS

2. The town chairperson, or his or her designee, shall place appropriate traffic signs on the above-described highways on or before the effective date of this ordinance.
  3. No person may operate any vehicle on the above-noted highways in violation of the weight limits set forth in s. 348.16 (2), Wis. stats. Each trip in violation of this ordinance constitutes a separate offense.\*
- H. 1. (Optional) The town board, by this ordinance and s. 349.16, Wis. stats., establishes the following special or seasonal weight limits effective for the periods stated below on the following Town of \_\_\_\_\_ town highways: *[list individual town highways, applicable weight limits, and dates weight limits are to be in effect]*
2. The town chairperson, or his or her designee, shall erect signs as required under s. 349.16 (2), Wis. stats., on or before the effective date of this ordinance.\*
  3. No person may operate any vehicle on the above-noted highways in violation of the above-noted weight limits without a written permit issued by the Town Board of the Town of \_\_\_\_\_. Each trip in violation of this ordinance constitutes a separate offense.\*\*
- I. (Optional) The town board, by this ordinance and s. 349.17, Wis. stats., designates the following highways as heavy traffic routes and designates the following types of motor vehicles that may be operated on these highways: *[list]*.
- J. (Optional) The town board, being authorized to exercise village powers under s. 60.22, Wis. stats., pursuant to ss. 61.35 and 62.23 (6), Wis. stats., has adopted an official town map that describes all town highways, bridges, culverts, and other official town infrastructure and their locations. That map is filed with the town clerk.
- K. (Optional) The town has, under s. 23.33 (11), Wis. stats., adopted an All-Terrain Vehicle [and Utility Terrain Vehicle] Ordinance that regulates all-terrain vehicles [and utility terrain vehicles] and designates all-terrain vehicle routes and trails in the town. This ordinance and the All-Terrain Vehicle [and Utility Terrain Vehicle] Ordinance have been sent to the State of Wisconsin, Department of Natural Resources, the State Traffic Patrol, and to the following law enforcement agencies, specifically: *[list]*. The following town highways are so designated as all-terrain vehicle routes: *[list]*. The town has the authority under the All-Terrain Vehicle [and Utility Terrain Vehicle] Ordinance and this ordinance to enforce provisions of this ordinance against violators.
- L. (Optional) The town has, under s. 23.335 (21), Wis. stats., adopted an Off-highway Motorcycle Ordinance that regulates off-highway motorcycles and designates off-highway motorcycle routes and trails in the town. This ordinance and the Off-highway Motorcycle Ordinance have been sent to the State of Wisconsin, Department of Natural Resources, the State Traffic Patrol, and to the following law enforcement agencies, specifically: *[list]*. The following town highways are so designated as off-highway motorcycle routes: *[list]*. The town has the authority under the Off-highway Motorcycle Ordinance and this ordinance to enforce provisions of this ordinance against violators.
- M. (Optional) The town, pursuant to s. 350.18 (3) (a), Wis. stats., allows the operation of snowmobiles on a town roadway and shoulder of a highway or any portion of a highway that lies within the boundaries of the town for the purpose of residential access or for the purpose of access from lodging.
- N. (Optional) The town has, under ss. 86.07 and 86.16, Wis. stats., adopted an ordinance regulating pipes or pipelines that transmit liquid manure within or across rights-of-way of town highways. No pipe or pipeline that transmits liquid manure may be placed or installed within or across the right-of-way of a town highway without issuance by the town of a to the owner of the proposed pipeline of permit for the installation and operation of the pipe or pipeline in conformity with that ordinance.

### SECTION VII – PENALTY PROVISION

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

### SECTION VIII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not

## WISCONSIN TOWN LAW FORMS

affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

### SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:

<http://wisconsindot.gov>

**\*\*Note:** See also 349.16: Permit for overweight vehicles.

### 66.0425: Granting privileges on highway; resolution

The following statutes affect this form: ss. 66.0425 and 86.07, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

A privilege is authorized to \_\_\_\_\_, as applicant, to place the following obstruction or excavation within a Town of \_\_\_\_\_ highway at the following location: [name highway, describe location on the highway, and describe type of obstruction or excavation and its proposed use].

The privilege granted to \_\_\_\_\_, as applicant, to place the above-described obstruction or excavation within a town highway is subject to all of the following conditions:

- A. The applicant assumes primary liability for damages to persons or property by reason of the granting of the privilege.
- B. The applicant is obligated to remove the obstruction or excavation upon 10 days' written notice by the town board or its agents.
- C. The applicant waives the right to contest in any manner the privilege or its revocation, or the amount of compensation charged the applicant by the town.
- D. The applicant is required to file with the town board a bond that does not exceed \$10,000 that reverts to the town and to any third parties that may be required to secure the performance of the conditions specified.
- E. The applicant is required to pay compensation into the general fund of the town in the amount of \$\_\_\_\_\_.
- F. The applicant is not entitled to any damages from the town, its officers, officials, agents, or employees for removal of the obstruction or excavation, and if the applicant, as holder of the privilege, does not remove the obstruction or excavation upon notice by the town, it shall be removed by the town at the expense of the applicant.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.



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Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** Sections [86.07](#) and [86.16](#), Wis. stats., authorize towns to authorize and regulate liquid manure pipelines in and across highway rights-of-way. The Wisconsin Towns Association has developed a sample ordinance and a sample permit form for the regulation and permitting of pipes and pipelines that transmit liquid manure within or across the right-of-way of a highway. Electronic copies of the sample ordinance and sample permit may be found in the Ordinances and Resolutions section of the Information Library of the Towns Association website at:

<https://www.wisctowns.com/information-library/>

*If an ordinance specifically regulating liquid manure pipes and pipelines is adopted, those pipes and pipelines would be permitted under the pipe and pipeline ordinance rather than as a privilege in a highway as set forth in the above ordinance.*

*If the town has adopted a Road Use and Motor Vehicle Control Ordinance using 66.0425: Road use and motor vehicle control ordinance [ss. [66.0425](#), [82.03](#), [86.07](#), [349.06](#), and [349.065](#), Wis. stats.], consider adding to the ordinance the optional Section VI, Subsection N, contained in that form.*

### **66.0425: Driveway highway access permit ordinance**

The following statutes affect this form: ss. [66.0425](#) and [86.07](#), Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. [60.22](#), Wis. stats.)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Driveway and Highway Access Permit Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town of \_\_\_\_\_, and to limit and regulate highway access by motor vehicles to any town highway in the town. This is not a town zoning ordinance.

#### SECTION II – AUTHORITY

The town board has the specific authority under ss. [66.0425](#) and [86.07](#), Wis. stats., to adopt a town highway access permit ordinance, and has the general authority under its village powers under s. [60.22](#), Wis. stats., to adopt this ordinance.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of certain driveways and highway access locations in the town.

#### SECTION IV – DEFINITIONS

In this ordinance:

## WISCONSIN TOWN LAW FORMS

- A. "Driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide vehicular access from the highway to a residence, business, recreational site, or other similarly appropriate use.
- B. "Emergency vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
- C. "Impacted landowner" means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.
- D. "Prime or productive agricultural or forestry land" means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.
- E. "Town" means the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- F. "Town board" means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes any designee of the board authorized to act for the board.
- G. "Town clerk" means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- H. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – COVERAGE

- A. No person may establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway or any town or other highway or highway right-of-way in the town in relation to the connection of the highway or highway right-of-way to a driveway, whether new or previously existing, without first obtaining a Town Driveway Permit to be issued by the town board.
- B. No person may establish or construct a driveway or reconstruct, reroute, or alter any highway access onto a town highway without first obtaining a Town Highway Access Permit to be issued by the town board.
- C. Any person prior to and at the time of seeking a Town Driveway Permit or a Town Highway Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.
- D.
  - 1. Commencing 6 months after the effective date of this ordinance and upon receipt of written notice from the town, no landowner may maintain or use, or allow the maintenance or use of, any existing driveway on the landowner's land for general public or emergency vehicle access to and from a residential dwelling in the town if the driveway, for any structural, location, or design reasons, has been determined by the town board, or its agents, in writing to substantially limit or negate safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway.
  - 2. The town board shall serve upon any potentially impacted landowner a copy of its written determination under paragraph 1 that a driveway substantially limits or negates safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway. The determination of the town board shall not be final until a public hearing before the town board has been held. The town board shall publish a class 2 notice, under s. [985.07](#), Wis. stats., of the public hearing.
  - 3. A copy of the town board's written determination and notice of the public hearing on the town board's determination shall be served by registered or certified mail on any potentially impacted landowner within 20 days of the making of the written determination and at least 10 days prior to the hearing date. The notice shall include the names of all potentially impacted landowners and the location of the subject driveway in the town. The notice may specifically contain a warning that, due to the existing condition of the driveway, emergency vehicle access to the dwellings served by the subject driveway may not be possible.
  - 4. Any potentially impacted landowner may provide at the public hearing evidence regarding access provided by and the condition of the driveway. Any potentially impacted landowner may be represented by legal counsel at the public hearing and may present witnesses and cross-examine witnesses

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presented by the town board. All witnesses testifying before the town board shall be under oath. No person testifying before the hearing shall vote as a member of the town board in making a final determination regarding the subject driveway.

5. The town board, at or after the hearing, may order any of the following:
  - a. That the town attorney seek a court order providing that the driveway be closed for general vehicle traffic use, but not closed to emergency vehicle use, until the driveway is structurally designed and reconstructed to allow for safe and timely general public and emergency vehicle access to and from the residential dwellings served by the driveway.
  - b. That the town attorney seek a court order providing that the driveway be reconstructed or repaired to allow for safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway in a proper manner and in a reasonable time specified by the court and that if the driveway is not so reconstructed or repaired by the date specified, the town board may have the driveway reconstructed or repaired and the cost assessed as a special assessment against the land under its police power under ss. 66.0701 and 66.0703, Wis. stats.
  - c. Other reasonable and necessary action that will serve to protect the public health and safety of persons within the town, including the owner, occupants, or guests of the owner of the land.

### SECTION VII – SPECIFICATIONS

Commencing 6 months after the effective date of this ordinance for existing driveways and commencing on the effective date of this ordinance for new driveways being constructed, all driveways in the town for which a Town Driveway Permit is required under Section VI shall meet all of the following minimum requirements. No permit shall be issued unless the materials submitted as required under Sections VIII and IX demonstrate compliance with the requirements of this section:

*[Here list the specific minimum specifications for driveways, such as required minimum driveway width, curve radius, overhead clearance, culvert size, and any other specifications deemed necessary and appropriate to protect the public health and safety after consultation with the town engineer and emergency service providers.]*

### SECTION VIII – APPLICATION AND PERMIT PROVISIONS

- A. The town board shall approve a form for application for both the Town Driveway Permit and the Town Highway Access Permit, which shall be available from the town clerk.
- B. The applicant for a Town Driveway Permit or a Town Highway Access Permit shall submit to the town clerk a completed application for each with the appropriate fee and with the following attachments:
  1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project. The sketch map may be submitted to the town board prior to the preparation or submission of the other supporting documents in order for the town board to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit or Town Highway Access Permit will not be granted without the submission of complete supporting documents.
  2. Plat Map. A plat map indicating the location and dimensions of the desired driveway and highway access locations, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the town board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.
  3. Aerial Photo/Site Analysis.
  4. Soil/Slope Analysis.
  5. (Optional) Driveway Construction Plan.
  6. (Optional) Highway Access Location Plan.
  7. Other Documents. The town board may require other documents to be attached to the Driveway Permit Application, including a Town Highway Access Permit.
- C. Procedures for the evaluation of the Town Driveway Permit Application and any required Town Highway Access Permit Application by the town board, including any required site inspection of the proposed driveway, public hearing, and town board meetings, are as follows: *[list specific procedures]*.
- D. The town board shall approve or deny every Town Driveway Permit Application or Town Highway Access

## WISCONSIN TOWN LAW FORMS

Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee. Reasons for denying a Town Driveway Permit Application or Town Highway Access Permit Application may include, but are not limited to:

1. The inconsistency or nonconformance of the proposed driveway or highway access with any of the following:
  - a. This ordinance.
  - b. Any existing town comprehensive plan, master plan, or land use plan.
  - c. Town ordinances, rules, regulations, or plans.
  - d. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans.
2. The driveway, bridge, culvert, or highway access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.
3. The application as filed and submitted is incomplete or contains false material as determined by the town board.
4. Alternative driveway locations, bridges, culverts, and highway access locations will be safer for persons ingressing or egressing on the driveway and access point by motor vehicle or for persons traveling on the adjacent highway by motor vehicle.
5. Alternative driveway locations or alternative highway access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
6. Alternative driveway locations or alternative access highway locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the town, including land adjacent to or near the proposed driveway.
7. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.
- E. In the event of a denial of a Town Driveway Permit Application or Town Highway Access Permit Application, the town board shall recite in writing the particular facts upon which it bases its denial of the permit. The town board shall also afford the applicant an opportunity to review the town board's decision and present evidence at a public hearing after a Class 1 Notice under s. 985.07, Wis. stats., of the hearing to the town board refuting the determination. Thereafter, the town board may affirm, reverse, or modify its decision. The town board shall recite in writing findings for any decision to modify or reverse its initial determination.
- F. If the town board denies two consecutive applications for a Town Driveway Permit or denies two consecutive applications for a Town Highway Access Permit on the same parcel, no subsequent reapplication for a permit of the same type that was denied for that parcel will be considered within \_\_\_\_ months of the second denial of either.
- G. Both the Town Driveway Permit and the Town Highway Access Permit are effective for \_\_\_\_ months from the date of issuance. Each permit shall expire after \_\_\_\_ months unless renewed.
- H. Each permit may be renewed for an additional period of 6 months. If the driveway or highway access has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.
- I. The applicant shall notify \_\_\_\_\_ [*designate town official*] within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the town shall conduct an inspection of the driveway or highway access to ensure full compliance with all of the permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the town board shall issue a Town Driveway Occupancy Permit.
- J. No building permit for any construction of buildings or structures will be issued by the town until the driveway or highway access is constructed, reconstructed, rerouted, or altered according to the specifications of the permit as issued and this ordinance.
- K. An application fee that is nonrefundable in an amount determined by a resolution of the town board will be charged for each permit application as follows:
  1. Town Driveway Permit Fee \$ \_\_\_\_
  2. Town Highway Access Permit \$ \_\_\_\_
- L. The town board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under s. 66.0119, Wis. stats., for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for safe and timely travel by emergency vehicles or vehicles of the general public.

## WISCONSIN TOWN LAW FORMS

### SECTION IX – CONSTRUCTION PLAN OR HIGHWAY ACCESS PLAN

- A. The town board may in writing require a driveway construction plan or highway access plan prior to any proposed driveway or highway access construction, reconstruction, rerouting, or alteration. A driveway construction plan is required for any of the following unless the requirement is waived by the town board in writing:
1. Construction of a driveway or segment of a driveway that requires the disturbance of land with a slope of more than \_\_\_\_%.
  2. A driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the town board, town building inspector, or other designated officer and prior to any permit issuance.
  3. A driveway that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
  4. Construction or modification of a driveway that necessitates construction or improvement of a bridge or culvert.
  5. When the town board in writing requests a driveway construction plan or town highway access plan.
- B. A highway access plan is required for all sections of any proposed driveway by the applicant that will enter onto a town highway.
- C. If required by the town board or its designee, a driveway construction plan or highway access plan will include a scale plan showing all of the following:
1. Location. The precise location of the driveway or the segment of the driveway for which the driveway construction plan is required, including the width and length of the driveway.
  2. Slope. A profile of the driveway route before and after construction showing a maximum finished driveway slope of \_\_\_\_%.
  3. Retaining Walls. The location and structure of any retaining walls.
  4. Bridges. The location, size, and design calculations of any bridges.
  5. Culverts. The location, size, and design calculations of any culverts.
  6. Cross-section. Typical cross-sections of the driveway.
  7. Erosion Control. Required mulching, matting, or other erosion control.
  8. Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.
  9. Other Access Points. The location of any other access points onto the town highway within one mile of the proposed access point.
- D. No construction, reconstruction, rerouting, or alteration of a driveway nor construction of a highway access onto a town highway may commence until all of the following conditions are met:
1. The driveway construction plan or highway access plan, if required, is approved by the town board.
  2. A Town Driveway Permit is issued by the town, and, if applicable, a Town Highway Access Permit is issued by the town.
  3. When applicable, any other necessary approvals are obtained from \_\_\_\_\_ County or the State of Wisconsin.
  4. The town board shall, when applicable, seek review and comment from the local fire chief, or his or her deputies, regarding the proposed driveway and whether the proposed driveway will allow for adequate and timely emergency vehicle access and other equipment access to buildings and structures within the premises.
- E. The preparation of a driveway construction plan or a highway access plan does not guarantee the approval of a Driveway Construction Permit or Town Highway Access Permit by the town board.
- F. As a condition of any Town Driveway Permit and any Town Highway Access Permit, the driveway and highway access shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles.
- G. The approval of a Town Driveway Permit or Town Highway Access Permit application by the town board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this ordinance. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose or that any person is in compliance

## WISCONSIN TOWN LAW FORMS

with this ordinance or any State or County laws or ordinance. The town board may require issuance of a Town Driveway Occupancy Permit prior to any determination by the town board that the driveway is fit for timely and safe travel by vehicles of the general public and emergency vehicles and that such travel is authorized. Issuance of a Town Driveway Occupancy Permit does not insure that the driveway will be suitable for use or otherwise passable for emergency vehicles at any time after the date of issuance of the Town Driveway Occupancy Permit.

- H. The approval of the Town Driveway Permit, Town Driveway Occupancy Permit, or Town Highway Access Permit application does not establish or commit the town to future approval of any driveway as a public road or highway in the town.

### SECTION X – PENALTY PROVISION

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

### SECTION XI – SEVERABILITY CLAUSE

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

### SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

### **66.1003: Resolution, notice, and lis pendens notice to discontinue town road**

The following statutes affect this form: s. 66.1003, Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

A public hearing to discuss a proposed action to discontinue a public way in the Town of \_\_\_\_\_ shall be held as provided in accordance with the following Notice of Hearing.

The town clerk shall publish the following Notice of Hearing as a class 3 notice under ch. 985, Wis. stats., and the town clerk shall cause the Notice of Hearing to be served on the owners of all of the frontage of lots and lands abutting upon the public way sought to be discontinued in the manner provided for the service of summons in circuit court at least 30 days before the hearing, except that when service cannot be made within the town, a copy of the notice shall be mailed to the owner's last-known address at least 30 days before the hearing:

**NOTICE OF HEARING – DISCONTINUANCE OF A PUBLIC WAY IN THE TOWN OF \_\_\_\_\_,**

## WISCONSIN TOWN LAW FORMS

A public hearing will held be held by the Town Board of the Town of \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_.m.,\* to discuss a proposed action to commence discontinuance of the following described town road initiated by [petition under s. 66.1003 (2), Wis. stats., or introduction of resolution of the Town Board of the Town of \_\_\_\_\_ under s. 66.1003 (4), Wis. stats.,] specifically: *[describe public way to be discontinued]*.

The town clerk shall file in the Office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin, a lis pendens related to the proposed discontinuance of public way.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*\*Note: Under s. 66.1003 (4) (b), Wis. stats., the hearing must be at least 40 days after introduction of the resolution.*

### 66.1003 (4): Resolution to discontinue public way

The following statutes affect this form: s. 66.1003 (4), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and declares as follows:

The public way described below is vacated and discontinued under s. 66.1003 (4), Wis. stats. It is in the public interest that the public way described below is vacated and discontinued under s. 66.1003 (4), Wis. stats. The public way to be discontinued is described as follows: *[describe public way to be discontinued]*.

The discontinuance of the above-described public way will not result in a landlocked property and no owner of property abutting the discontinued public way will be damaged by the discontinuance. The discontinued public way will be vacated and the land awarded to the following owner or owners of real estate abutting the discontinued way: *[insert names of affected abutting owners]*.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*Note: Under s. 66.1003 (4) (b), Wis. stats., the hearing must be at least 40 days after introduction of the resolution.*

### 66.1024: Accepting dedication of town road; resolution

The following statutes affect this form: s. 66.1024, Wis. stats.

STATE OF WISCONSIN



## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and declares as follows:

The public way described below and dedicated to the town in that conveyance of real estate between \_\_\_\_\_, as grantor, and \_\_\_\_\_, as grantee, dated \_\_\_\_\_, 20\_\_, and recorded in the office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ [give recording information, such as volume and page number] is accepted pursuant to s. 66.1024, Wis. stats. [optional subject to the following conditions: listing them]

It is in the public interest that the dedication of the public way described below is accepted by the town.

The public way to be dedicated to the town is described as follows: [describe public way being dedicated]

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### Chapter 82: Department of Transportation publications and forms

The following statutes affect this form: ch. 82, Wis. stats.

**Note:** The Department of Transportation makes a variety of publications and forms relating to local government programs available at its website at the following address:

<https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/default.aspx>

### Chapter 82: Transportation Information Center bulletins

The following statutes affect this form: ch. 82, Wis. stats.

**Note:** The Wisconsin Transportation Information Center, a project of the University of Wisconsin–Madison, Department of Engineering Professional Development, has produced a series of short bulletins that introduce and discuss a variety of highway topics. These 4- to 12-page booklets are designed to inform local officials of common highway concerns and practice and are available at the Wisconsin Transportation Information Center website at the following address:

<https://interpro.wisc.edu/tic/resources/publications-order-form/>

### 82.03 (1): Appointment of superintendent of highways

The following statutes affect this form: s. 82.03 (1), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, appoints \_\_\_\_\_ superintendent-



## WISCONSIN TOWN LAW FORMS

dent of highways of [the town *or* district No. \_\_ of the town] for the term of one year from the date of this appointment, and fixes the compensation for the position at \$\_\_\_\_\_, to be paid out of the [highway *or* general] fund of the town [optional; and fixes the amount of the superintendent's bond at \$\_\_\_\_\_].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

### 82.03 (7): Naming town highways; ordinance

The following statutes affect this form: s. 82.03 (7), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 82.03 (7), Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the naming of town highways in the town as follows:

- A. The town highway described as hereinafter set forth is named: \_\_\_\_\_: [here describe the specific highway]
- B. [so continue]
- C. The town chairperson, or his or her designee, shall erect road name signs at all intersections of town highways with other highways, including other town highways.

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 82.08: Construction or repair of a bridge or culvert; resolution

The following statutes affect this form: s. 82.08, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town shall [construct a *or* repair the] [bridge *or* culvert] lying [wholly *or* partly] within the town, at [describe location of bridge *or* culvert], with one-half of the cost to be paid by the Town of \_\_\_\_\_ and one-half by the County of \_\_\_\_\_, as provided by s. 82.08, Wis. stats.

Acted on the \_\_\_\_ of \_\_\_\_\_, 20\_\_.

## WISCONSIN TOWN LAW FORMS

Number of votes for the resolution \_\_\_\_\_.

Number of votes against the resolution \_\_\_\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Notes:** *If the town funds are to be borrowed, the provisions of ch. 67, Wis. stats., should be followed.*

*County obligations to pay costs of bridges and culverts only apply to a bridge or culvert with a 36-inch or greater span, or a structure of equivalent capacity to carry water.*

### **82.08: Petition for county aid in construction or repair of a bridge**

The following statutes affect this form: s. 82.08, Wis. stats.

To the County Board of \_\_\_\_\_ County, Wisconsin:

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, petitions the County Board of \_\_\_\_\_ County, Wisconsin, as follows:

1. On \_\_\_\_\_, 20\_\_, the town board approved a resolution to [construct a *or* repair the] [bridge *or* culvert] lying [wholly *or* partly] within the town.
2. The [bridge *or* culvert] to be [constructed *or* repaired] [has a 36-inch or greater span, *or* is a structure with an equivalent capacity to carry water of a bridge or culvert that has a 36-inch or greater span].
3. [add in case of emergency under s. 82.08 (4)] By reason of a flood on or about \_\_\_\_\_, 20\_\_, the bridge was [washed out *or* damaged, *or* state other cause of the emergency], and it is necessary to [reconstruct *or* repair] the [bridge *or* culvert] without delay, as a result of [list the facts respecting the immediate necessity for the construction or repairs].

Wherefore the Town Board of the Town of \_\_\_\_\_ petitions for an appropriation to be made by the county to aid the [construction *or* repair] of the [bridge *or* culvert], as provided by s. 82.08, Wis. stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **82.09: Resolution for acquiring the right to use a roadway on a dam and petition for county aid**

The following statutes affect this form: s. 82.09, Wis. stats.

**Note:** *Adapt the forms for s. 82.08, Wis. stats.*

### **82.10 (1): Application for laying out, altering, or discontinuing a highway**

The following statutes affect this form: s. 82.10 (1), Wis. stats.

To the supervisors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

We, the undersigned freeholders, residing in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, apply to you to [lay

## WISCONSIN TOWN LAW FORMS

out or alter or discontinue] a highway in the town described as follows: *[insert the legal description of the highway to be discontinued or of the proposed highway to be laid out or altered]*.

A scale map of the land that will be affected by this application is attached.

We request that this application remain on file until the time set for hearing and inspection by the parties concerned.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of applicants]

**Note:** Section 82.01 (2), Wis. stats., provides: “Freeholder” means a person who owns a fee simple or life estate interest in land, a person who is a land contract vendee, or a person who has an interest in land arising under ch. 766, Wis. stats.

### 82.10 (2): Resolution to initiate process for laying out, altering, or discontinuing a highway

The following statutes affect this form: s. 82.10 (2), Wis. stats.

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The process under ch. 82, Wis. stats., to [lay out or alter or discontinue] a highway in the town described as follows is hereby initiated: *[insert the legal description of the highway to be discontinued or of the proposed highway to be laid out or altered]*.

A scale map of the land that will be affected by this application is attached.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 82.10 (4): Meeting of supervisors to decide upon highway application or resolution; notice

The following statutes affect this form: s. 82.10 (4), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

[Proper application having been made to or A resolution having been adopted by] the supervisors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, to [lay out or alter or discontinue] a highway as described as follows, a scale map of the land that will be affected by this application being attached: *[insert the legal description of the highway to be discontinued or of the proposed highway to be laid out or altered and attach map]*;

**Notice is hereby given** that the supervisors of the town will meet on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_ m. of that day, at \_\_\_\_\_ *[give location]*, in the town, and decide upon the *[application or resolution]*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** The town board or, at the board's direction, the applicants shall give notice to all owners of record of lands through

## WISCONSIN TOWN LAW FORMS

*which the highway may pass, all owners of record of all lands abutting the highway, the Department of Natural Resources, the county land conservation committee, and the Secretary of Transportation, if the highway that is the subject of the application or resolution is located within one-quarter mile of a state trunk highway or connecting highway by registered mail at least 30 days prior to the hearing date, and shall publish a class 3 notice under ch. 985, Wis. stats.*

### 82.10 (5): Lis pendens on resolution to lay out, alter, or discontinue a highway

The following statutes affect this form: ss. 82.10 (5) and 840.11, Wis. stats.

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TOWN OF \_\_\_\_\_ LIS PENDENS s. 840.11, WIS. STATS.  
COUNTY OF \_\_\_\_\_  
STATE OF WISCONSIN

IN THE MATTER OF A HIGHWAY IN  
THE TOWN OF \_\_\_\_\_, \_\_\_\_\_ COUNTY

---

BE IT NOTED THAT:

In the matter of a current action to [lay out *or* alter *or* discontinue] a highway in the Town of \_\_\_\_\_, \_\_\_\_\_ County, on \_\_\_\_\_, 20\_\_, the Town Board of the Town of \_\_\_\_\_ adopted a resolution to have a highway [laid out *or* altered *or* discontinued]. This described action may affect certain unplatted parcels in the Town of \_\_\_\_\_, \_\_\_\_\_ County, described as follows:

The [described highway is now located *or* proposed highway action will occur] on land described as follows: *[insert the legal description of the highway to be discontinued or of the proposed highway to be laid out or altered]*.

A map is attached as "Exhibit A" to describe [the highway location *or* where the proposed highway action will occur].

This lis pendens, at the direction of the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, is to be filed by the Town Clerk in the Register of Deeds Office, \_\_\_\_\_ County, Wisconsin, for the purpose of notice of all titleholders and prospective titleholders that a highway may be [laid out *or* altered *or* discontinued] affecting the above-described unplatted parcels in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin. Upon the adoption of a final highway order affecting the above-described unplatted parcels in the Town of \_\_\_\_\_, \_\_\_\_\_ County, by the Town Board of the Town of \_\_\_\_\_, approving or disapproving the resolution for the [laying out *or* alteration *or* discontinuation] of the highway, a certified copy of the final highway order, with a full and accurate description of the subject highway property, shall be recorded by the town clerk in the Office of Register of Deeds, \_\_\_\_\_ County.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

Town of \_\_\_\_\_

\_\_\_\_\_ County, Wisconsin

STATE OF WISCONSIN  
\_\_\_\_\_ COUNTY

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above-named \_\_\_\_\_, known to me to be the person who executed the foregoing instrument, and acknowledged the same.

[Signature of town chairperson]

*or*

[Signature of notary public]

WISCONSIN TOWN LAW FORMS

Notary Public, State of Wisconsin  
My commission \_\_\_\_\_.

This instrument drafted by: \_\_\_\_\_  
Whose address is: \_\_\_\_\_

**Note:** Section 82.10 (5), Wis. stats., provides: In the case of a resolution under sub. (2), the board shall file a lis pendens within 10 days of the introduction of the resolution.

**82.10 (5): Lis pendens on application to lay out, alter, or discontinue a highway**

The following statutes affect this form: ss. 82.10 (5) and 840.11, Wis. stats.

TOWN OF \_\_\_\_\_ LIS PENDENS s. 840.11 WIS. STATS.  
COUNTY OF \_\_\_\_\_  
STATE OF WISCONSIN

IN THE MATTER OF A HIGHWAY IN  
THE TOWN OF \_\_\_\_\_, \_\_\_\_\_ COUNTY

BE IT NOTED THAT:

In the matter of a current action to [lay out *or* alter *or* discontinue] a highway in the Town of \_\_\_\_\_, \_\_\_\_\_ County, on \_\_\_\_\_, 20\_\_\_\_, the undersigned freeholders of the Town of \_\_\_\_\_ did execute and file with the town clerk of the town an application to the town board to have a highway [laid out *or* altered *or* discontinued]. This described action may affect certain unplatted parcels in the Town of \_\_\_\_\_, \_\_\_\_\_ County, described as follows:

[The described highway is now located *or* The proposed highway action will occur] on land described as follows: [insert the legal description of the highway to be discontinued *or* of the proposed highway to be laid out *or* altered].

A map is attached as "Exhibit A" to describe [the highway location *or* where the proposed highway action will occur].

This lis pendens in the Register of Deeds Office, \_\_\_\_\_ County, Wisconsin, for the purpose of notice of all titleholders and prospective titleholders that a highway may be [laid out *or* altered *or* discontinued] affecting the above unplatted parcels in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin. Upon the adoption of a final highway order affecting the above-described land in the Town of \_\_\_\_\_, \_\_\_\_\_ County, by the Town Board of the Town of \_\_\_\_\_ approving or disapproving the application for the [laying out *or* alteration *or* discontinuation] of the highway, a certified copy of the final highway order, with a full and accurate description of the subject highway property, shall be recorded by the town clerk in the Office of Register of Deeds, \_\_\_\_\_ County.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signatures of freeholders executing highway application]

STATE OF WISCONSIN  
\_\_\_\_\_ COUNTY

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above-named \_\_\_\_\_ [list all], known to me to be the persons who executed the foregoing instrument, and acknowledged the same.

[Signature of notary public]

## WISCONSIN TOWN LAW FORMS

Notary Public, State of Wisconsin  
My commission \_\_\_\_\_.

This instrument drafted by: \_\_\_\_\_  
Whose address is: \_\_\_\_\_

**Note:** Section 82.10 (5), Wis. stats., provides: In the case of an application under sub. (1), the applicant shall file a lis pendens under s. 840.11, Wis. stats.

### 82.11: Serving notice under s. 82.10 (4), Wis. stats.; affidavit

The following statutes affect this form: s. 82.11, Wis. stats.

#### AFFIDAVIT

STATE OF WISCONSIN,  
\_\_\_\_\_ County.

\_\_\_\_\_, being first duly sworn, states on oath:

A. That on \_\_\_\_\_, 20\_\_, the affiant served the annexed notice upon the following by mailing to each of them by registered or certified mail a copy of the annexed notice:

1. \_\_\_\_\_, the occupant[s] of [describe the lands occupied], being lands through which the highway described in the notice may pass.
2. \_\_\_\_\_, the occupant[s] of [describe the lands occupied], being lands abutting the highway described in the notice may pass.
3. The Department of Natural Resources.
4. The county land conservation committee for \_\_\_\_\_ County.
5. The Secretary of Transportation [if the highway that is the subject of the application or resolution is located within one-quarter mile of a state trunk highway or connecting highway].

B. That the affiant caused the annexed notice to be published as a class 3 notice under s. 985.07, Wis. stats., in the following newspaper on the stated dates: [name newspaper and state dates of publication of notice].

[Signature of affiant]

Subscribed and sworn to before me, this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature and title of officer]

**Notes:** Section 985.07 (3) (a), Wis. stats., provides: All notices designated as class 3 notices require 3 insertions.

Section 985.01 (1m), Wis. stats., provides: "Insertion," when used to indicate the publication of a legal notice more than one time, means once each week for consecutive weeks, the last of which shall be at least one week before the act or event, unless otherwise specified by law.

Section 82.12 (1), Wis. stats., requires the town board to make a determination upon any application or resolution to lay out, alter, or discontinue any highway within 90 days after receipt of the application or introduction of a resolution.

### 82.12: Resolution and order to lay out, alter, or discontinue highway

The following statutes affect this form: s. 82.12, Wis. stats.

STATE OF WISCONSIN

## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Upon [the application of 6 or more resident freeholders residing in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, *or* a resolution adopted by the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin,] for [laying out *or* altering *or* discontinuing] a highway, as set forth in the [application *or* resolution], the undersigned, supervisors of the town, met on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m., at \_\_\_\_\_ [state place of meeting as in notice], being the time and place stated in the notice that was prepared in accordance with s. 82.10 (3), Wis. stats., and served and posted as required by s. 82.10 (4), Wis. stats., as demonstrated by affidavits that the notices required in s. 82.10 (4), Wis. stats., had been properly given and published, and a lis pendens having been filed in the office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin, as required by s. 82.10 (5), Wis. stats., we examined the highway, and heard all reasons that were offered for and against the [application *or* resolution].

It being our opinion that the public good will be promoted, the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders that a highway in the town be [laid out *or* altered *or* discontinued] as follows: [here incorporate a description of the road and the specifics of the action to be taken]. The line described is the center of the highway, whose width is \_\_\_\_\_. [If applicable, state: A survey is determined to be unnecessary.]

The town chair and town clerk shall immediately execute an original recordable Highway Order in the name of the Town [laying out *or* altering *or* discontinuing] the above-described highway. The clerk shall submit the original executed order for recording in the office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin, and shall submit a certified copy of this order to the county highway commissioner.

[If the Town has an official town map, insert: The provisions of this resolution and order shall be incorporated into the official town map.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 82.12: Order laying out, altering, or discontinuing highway

The following statutes affect this form: s. 82.12, Wis. stats.

A recordable Highway Order form is included as the Appendix. The document is available on the Internet at:

<http://docs.legis.wisconsin.gov/statutes/townlaw/appendix>

**Note:** If you intend to record a document on the basis of this form, and the form is modified in any way from the original, you must ensure that the modified form conforms to the formatting requirements for recorded documents specified under s. 59.43, Wis. stats.

### 82.14: Agreement on damages to landowner and release by landowner

The following statutes affect this form: s. 82.14, Wis. stats.

Whereas, upon [application made *or* resolution of the town board adopted], the supervisors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, have decided to [lay out *or* alter *or* discontinue] a highway [describe highway accurately, as in the order], which highway as [laid out *or* altered *or* discontinued] passes through the following described lands owned by \_\_\_\_\_, a party hereto: [describe land];

## WISCONSIN TOWN LAW FORMS

It is agreed by the supervisors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and \_\_\_\_\_ [landowner], that that the town shall pay the sum of \$\_\_\_\_\_ to \_\_\_\_\_ [landowner] as compensation for damages sustained by \_\_\_\_\_ [landowner], by reason of the [laying out *or* altering *or* discontinuing] of the highway, which sum \_\_\_\_\_ [landowner] agrees to accept as full compensation for such damages.

In consideration of the sum of \$\_\_\_\_\_, receipt of which is acknowledged, \_\_\_\_\_ [landowner] releases the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, from all claims for damages sustained or to be sustained by \_\_\_\_\_ [landowner] by reason of the [laying out *or* altering *or* discontinuing] of the above-described highway through the above-described lands.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of owner]

[Signatures of town board]

Attest: [Signature of town clerk]

### 82.20: Notice to remove fence

The following statutes affect this form: s. 82.20, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

A highway having been [laid out *or* altered] through lands [owned *or* occupied] by you, described as follows: [*describe lands*] by an order made, and dated on \_\_\_\_\_, 20\_\_, which highway is described in the order as follows [*insert the description as in the order*];

**You are hereby required** to remove your fences from within the bounds of the highway by \_\_\_\_\_, 20\_\_ [*must be a reasonable time, not less than 30 days after service of notice*]. If the fence is not removed by that date, the [town board *or* highway superintendent] will remove the fence and the costs of removal may be charged to you as provided by section 66.027, Wisconsin Statutes.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signatures of town board or highway superintendent]

Attest: [Signature of town clerk]

### 82.21: Order laying out, altering, or discontinuing highway on town or municipal line

The following statutes affect this form: s. 82.21, Wis. stats.

*Choose one:*

Upon the application of 6 or more resident freeholders residing in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and the application of 6 or more resident freeholders residing in the [Town *or* Village *or* City] of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin,

*or*

Upon a resolution adopted by the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and a resolu-



## WISCONSIN TOWN LAW FORMS

tion adopted by the [Town Board of the Town of \_\_\_\_\_, or Board of Trustees of the Village of \_\_\_\_\_, or Common Council of the City of \_\_\_\_\_,] \_\_\_\_\_ County, Wisconsin,

or

Upon a resolution adopted by the [Town Board of the Town of \_\_\_\_\_, or Board of Trustees of the Village of \_\_\_\_\_, or Common Council of the City of \_\_\_\_\_,] \_\_\_\_\_ County, Wisconsin, and the application of 6 or more resident freeholders residing in the [Town or Village or City] of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin,

*continue*

for [laying out or altering or discontinuing] a highway, as set forth in the [application or resolution(s)], the undersigned, being the duly authorized officers of the municipalities, met on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_m., at \_\_\_\_\_ [state place of meeting as in notice], being the time and place stated in the notice that was prepared in accordance with s. 82.10 (3), Wis. stats., and that was served and posted as required by s. 82.10 (4), Wis. stats., as demonstrated by properly filed affidavits that the notices required in s. 82.10 (4), Wis. stats., had been properly given and published, and a lis pendens having been filed in the office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin, as required by s. 82.10 (5), Wis. stats., we examined the highway, and heard all reasons that were offered for and against the [application or resolution].

It being our opinion that the public good will be promoted, the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and [the town board or commissioners appointed under s. 82.21 (3), Wis. stats., or trustees or alderpersons] of the [Town or Village or City] of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, order that a highway is [laid out or altered or discontinued] in the town of \_\_\_\_\_ and the [Town or Village or City] of \_\_\_\_\_, as follows: [here incorporate a description of the road and the specifics of the action to be taken]. The line described is the center of the highway, whose width is \_\_\_\_\_. [If applicable, state: A survey is determined to be unnecessary.]

It is further determined and ordered that the following described part of the highway, to wit: [describe the part] shall be made and kept in repair by the Town of \_\_\_\_\_, and the remaining portion of the highway by the [Town or Village or City] of \_\_\_\_\_; and that the damages [awarded to or agreed upon with] the owners of the following described lands [describe lands], shall be paid by the Town of \_\_\_\_\_, and the damages [awarded to or agreed upon with] the owners of the following described land [describe lands], shall be paid by the [Town or Village or City] of \_\_\_\_\_.

[If the municipalities have an official map, insert: The provisions of this order shall be incorporated into the official map of each municipality. If only one has a map, alter accordingly.]

The clerk of the [Town or Village or City] of \_\_\_\_\_ shall immediately cause the original order to be recorded in the office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin, and shall submit a certified copy of this order to the county highway commissioner. [If the highway is located in more than one county, the order must be adapted to provide for recording and submission in each county either by the same clerk or divided between the clerks as is appropriate.]

Dated this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signatures of the acting officers of both municipalities]

**Note:** Highways on or across municipal lines may be laid out, altered, or discontinued under s. 82.21, Wis. stats. Proceedings must be initiated in each municipality, may be initiated by resolution of the municipal governing body or by application of residents of the municipality, and the method of initiation may be different in each municipality. Pursuant to s. 82.21 (2) governing bodies of the municipalities, shall act together in cooperation, but vote upon applications or resolutions as separate governing bodies. General proceedings are in accordance with ss. 82.10 and 82.11, Wis. stats., are applicable to such proceedings, and the forms for those provisions may be adapted to incorporate the specific requirements of s. 82.21, Wis. stats.

## WISCONSIN TOWN LAW FORMS

### 82.27: Application and affidavit for highway to enclosed land

The following statutes affect this form: s. 82.27, Wis. stats.

\_\_\_\_\_, being the owner of real estate within the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, described in the affidavit below applies to the town board of the town to have a highway laid out to that property, which is landlocked, in accordance with s. 82.27, Wis. stats.

#### AFFIDAVIT

STATE OF WISCONSIN,  
\_\_\_\_\_ County.

\_\_\_\_\_, being first duly sworn, states as follows:

1. The affiant is the owner of real estate within the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, described as follows: *[insert legal description]*.
2. The above-described real estate is shut out from all public highways by being surrounded on all sides by real estate belonging to other persons *[if applicable and water]*. The owners of the surrounding real estate are as follows: *[name surrounding owners]*.
3. [I am unable to purchase from any of the above-named owners a right-of-way over their property to a public highway to make a road of sufficient width *or* I am unable to purchase land on either or both sides of my existing right-of-way, which is \_\_\_\_\_ feet in width, to make a road of sufficient width to afford reasonable access from the described real estate to the public highway *or* I am able to purchase from \_\_\_\_\_ a right-of-way to a public highway, at a price of \$\_\_\_\_\_, which is an exorbitant price].

*[Signature of affiant]*

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

*[Signature and title of officer]*

### 82.27: Meeting for laying out highway to enclosed land; notice

The following statutes affect this form: s. 82.27, Wis. stats.

Whereas, \_\_\_\_\_ has presented to the undersigned Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, an application to us to lay out a public highway to enclosed real estate in accordance with s. 82.27, Wis. stats., and an affidavit stating:

1. That [he *or* she] is the owner of real estate within the town, described as follows: *[describing it]*, and that the described real estate is shut out from all public highways by being surrounded on all sides by real estate belonging to other persons, namely: *[names as in affidavit]* *[if applicable and water]*.
2. That \_\_\_\_\_ [is unable to purchase from any of the above-named owners the right-of-way over or through their property to a public highway to make road of sufficient width *or* is unable to purchase land on either or both sides of [his *or* her] existing right-of-way to make a road of sufficient width to afford reasonable access from the described real estate to the public highway *or* is able to purchase from \_\_\_\_\_ a right-of-way to a public highway, at a price of \$\_\_\_\_\_, which is an exorbitant price].

**Notice is hereby given** that the board of the Town of \_\_\_\_\_ will meet and conduct a hearing on the application at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m., and will examine the premises and hear and

## WISCONSIN TOWN LAW FORMS

consider all proofs and reasons that may be offered for or against the application. If it is determined by the town board that the public good requires that the highway should be laid out, the town board will lay out the highway.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

**Note:** Notice must be served pursuant to s. 82.10, Wis. stats., and published as a class 2 notice under ch. 985, Wis. stats.

The hearing shall be held after 10 days and within 30 days of receipt of the application by the town board.

### 82.27: Order laying out highway to enclosed land, awarding damages, and assessing advantages

The following statutes affect this form: s. 82.27, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Being satisfied by the affidavit of \_\_\_\_\_, presented to us:

1. That \_\_\_\_\_ is the owner of real estate within the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, described as follows: *[describing it]*; and
2. That the above-described real estate is shut out from all public highways by being surrounded on all sides by real estate belonging to other persons, namely: *[names as in affidavit]*, *[if applicable and water]*; and
3. That \_\_\_\_\_ *[is unable to purchase from any of the owners the right-of-way over or through their property to a public highway to make a way or road of sufficient width or is unable to purchase land on either or both sides of [his or her] existing way or road to make the way or road of sufficient width to afford reasonable access from the described real estate to the public highway or is able to purchase from \_\_\_\_\_ a right of way to a public highway, at a price of \$\_\_\_\_\_, which is an exorbitant price]*;

We, the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_ 20\_\_, made and signed a notice that we would meet at \_\_\_\_\_, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m., to hear the matter, and at the time and place fixed by the notice therefor met; and having been satisfied by affidavits that the notice had been served and published as required by statute, and having examined the premises, and heard and considered all proofs and reasons offered for and against the application, and it being our opinion that the public good requires that the highway should be laid out, **it is ordered:**

1. That a public highway, \_\_\_\_ feet wide, is laid out as follows: *[incorporate a description]*. The line described is the center of the highway.
2. That damages in the sum of \$ \_\_\_\_\_ are awarded to \_\_\_\_\_, owner of *[describe land]*. *[Continue in like manner.]*
3. That advantages in the sum of \$ \_\_\_\_\_ are assessed against \_\_\_\_\_ *[the applicant]*, itemized as follows, which shall be paid within 30 days of the date of this order:
  - a. Damages awarded to owners of adjacent land over which the highway is laid: \$\_\_\_\_\_.
  - b. The estimated cost of constructing or widening the highway *[including the cost of constructing a turn-around, if one is necessary]*: \$\_\_\_\_\_.
  - c. Attorney fees reasonably incurred by the town: \$\_\_\_\_\_.
  - d. Costs of any *[survey or fee of any expert on valuation or both]* reasonably incurred by the town: \$\_\_\_\_\_.
  - e. Administrative costs *[such as clerical costs and publication costs]*: \$\_\_\_\_\_.
  - f. Per diem compensation for the supervisors *[if special meetings are held only for the purpose of considering the application]*: \$\_\_\_\_\_.

## WISCONSIN TOWN LAW FORMS

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Notes:** *If the board decides to lay out a new highway, the new highway shall be at least 66 feet wide unless that width is determined by the board to be impractical. If the owner of land that is accessible or that is provided with an easement to a public highway subdivides and transfers any part of the land and fails to provide the required easement, the town board may lay out a road at least 66 feet wide. If the board decides to widen an existing way or road, the resulting highway shall not be less than 49.5 feet nor more than 66 feet wide.*

*If it is necessary to include a turnaround, the turnaround shall be laid out on the applicant's land.*

*Within 10 days of payment, the town board shall file the order with the town clerk and record the order with the register of deeds for the county in which the land is located.*

*The damages awarded may not exceed the price stated in the applicant's affidavit.*

*If the town board denies the application, 50 percent of the costs listed in items b to e in paragraph 3 of the above form may be charged to the applicant as a special charge under s. 66.0627, Wis. stats.*

### 82.33: Meeting to make new highway record; notice

The following statutes affect this form: s. 82.33, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, contemplates making a new record of the highway [insert legal description and attach a scale map] in the Town of \_\_\_\_\_, the record of the highway having been lost or destroyed, notice is given that the supervisors of the town will hold a public hearing regarding a new record at \_\_\_\_\_, in the town, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m., and decide whether to make a new record.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** *Proof should be made and filed and recorded that the notice was served as required by s. 82.10 (4), Wis. stats.*

### 82.33: Making new highway record; order

The following statutes affect this form: s. 82.33, Wis. stats.

STATE OF WISCONSIN

## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The record of the laying out of the highway *[insert legal description]* in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having been lost or destroyed; and the town board having given written notice that they would meet at a time and place stated in the notice to decide whether they should make a new record of the highway, which notice was served in the manner provided by s. 82.10 (4), Wis. stats.; and having met at *[state time and place]*, the time and place fixed in the notice, and heard and considered the arguments and evidence offered for and against the new record, the town board finds that the highway is a legal highway, the record of which is lost or destroyed;

**It is ordered** that a new record of the laying out of the highway in the town is made as follows: *[describe same, specifying course and width]*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 82.35: Temporary highway order

The following statutes affect this form: s. 82.35, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

It is ordered that a temporary highway shall be laid out as follows: Commencing at a point *[describe starting place, the courses, and the distance]*, the line described being the center line of the temporary highway and the same is laid out \_\_\_ feet wide. *[If the board cannot agree with landowners as to damages, then proceed:]*

The highway passes through the following described land *[describe it]* [owned or occupied] by \_\_\_\_\_ *[and so on, naming each owner, or occupant, and describing the land]*; and, the board being unable to contract with *[insert names of all persons awarded damages]* as to the damages, the town board awards to \_\_\_\_\_ the sum of \$ \_\_\_\_\_ as damages on account of the temporary highway *[include each person entitled to damages]*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 83.14: Petition for county highway aid

The following statutes affect this form: s. 83.14, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To the County Board of \_\_\_\_\_ County, Wisconsin:

The petition of the undersigned Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, respectfully represents that on \_\_\_\_\_, 20\_\_, at the *[annual or special]* town meeting of the town, the electors of the town voted a tax of \$ \_\_\_\_\_ to improve that portion of highway described as *[describe highway]*.

## WISCONSIN TOWN LAW FORMS

Wherefore the Town Board of the Town of \_\_\_\_\_ petitions for an appropriation to be made by the county to aid the improvement of the highway as provided by s. 83.14, Wis. stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 84.18: Local bridge program entitlement application

The following statutes affect this form: s. 84.18, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To the County Board of \_\_\_\_\_ County, Wisconsin:

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, applies for fund entitlement under s. 84.18, Wis. stats., to [reconstruct or rehabilitate] a seriously deteriorating local bridge in the Town of \_\_\_\_\_ located on \_\_\_\_\_ [give highway name, or otherwise describe] in the County of \_\_\_\_\_, district \_\_\_\_\_, and bridge number \_\_\_\_\_, of construction type \_\_\_\_\_. The type of work required is [describe as required by Dept. of Transportation] and the estimated total funds required is \$\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** For additional information see the Department of Transportation website at the following address:

<http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/localbridge.aspx>

### 86.04: Order for the removal of obstruction in case of encroachment

The following statutes affect this form: s. 86.04, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_:

The undersigned Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has determined that a certain [fence or building or other object, describing it] located upon lands in the town described as follows: [describe lands], which lands are occupied by \_\_\_\_\_, encroaches upon the \_\_\_\_\_ [insert direction, such as westerly] side of the right-of-way of the highway described as follows: [describe the highway right-of-way with such precision and certainty as will enable the party upon whom it is served to go upon the ground and fix the place and extent of the encroachment with accuracy; to this end, a copy of the plat or survey made showing the encroachment and the true line should be attached to the above notice and made a part of it] as shown by the [plat or survey] attached to and made a part of this notice.

**It is ordered** by the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, that you are required

## WISCONSIN TOWN LAW FORMS

to remove the [fence or building or other object, describing it] beyond the limits of the above-described highway within 30 days from the service upon you of a copy of this order.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **86.04 (3): Denial of encroachment**

The following statutes affect this form: s. 86.04 (3), Wis. stats.

To the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

I, \_\_\_\_\_, occupant of the following land: [insert legal description] in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, deny the alleged encroachment described in the order of the town board of the town, dated the \_\_\_\_ of \_\_\_\_\_, 20\_\_, a copy of which order was served upon me on \_\_\_\_\_, 20\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature]

### **86.07: Liquid manure lines in and across highways**

The following statutes affect this form: ss. 86.07 and 86.16, Wis. stats.

*Notes: Sections 86.07 and 86.16, Wis. stats., authorize towns to authorize and regulate liquid manure pipelines in and across highway rights-of-way. The Wisconsin Towns Association has developed a sample ordinance and a permit form for the regulation and permitting of pipes and pipelines that transmit liquid manure within or across the right-of-way of a highway. Electronic copies of the sample ordinance and sample permit may be found in the Ordinances and Resolutions section of the Information Library of the Towns Association website at:*

<https://www.wisctowns.com/information-library/>

*If an ordinance specifically regulating liquid manure pipes and pipelines is adopted, those pipes and pipelines would be permitted under the pipe and pipeline ordinance rather than as a privilege in a highway as set forth in 66.0425: Granting privileges on highway; resolution [ss. 66.0425 and 86.07, Wis. stats.].*

*If the town has adopted a Road Use and Motor Vehicle Control Ordinance using 66.0425: Road use and motor vehicle control ordinance [ss. 66.0425, 82.03, 86.07, 349.06, and 349.065, Wis. stats.], consider adding to the ordinance the optional Section VI, Subsection N, contained in that form.*

### **86.30: Department of Transportation general transportation aids program**

The following statutes affect this form: s. 86.30, Wis. stats.

*Note: Information about general transportation aids is available at the Department of Transportation website at the following address:*

<http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/default.aspx>

### **86.31: Department of Transportation local roads improvement program**

The following statutes affect this form: s. 86.31, Wis. stats.



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**Note:** Information about the local roads improvement program is available at the Department of Transportation website at the following address:

<http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/lrip.aspx>

### 175.25: Junked vehicle permit

The following statutes affect this form: s. 175.25, Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, pursuant to s. 175.25, Wis. stats. and the town's village powers, issues a Junked Vehicle Permit to \_\_\_\_\_, the permittee, at \_\_\_\_\_ [address], as owner of the real property subject to this permit. This permit, effective on \_\_\_\_\_, 20\_\_, and terminating on \_\_\_\_\_, 20\_\_, unless sooner revoked or suspended, authorizes the owner ONLY to accumulate and store up to the following number of junked vehicles, by the following described storage method, at the below-noted real property location: [state vehicle quantity, method for storage, and legal description of real estate subject to this permit].

This permit, as issued, is not transferable and is revocable or can be suspended upon proper complaint and timely service upon the permittee by the Town Board of the Town of \_\_\_\_\_, after a class 1 notice of a public hearing, under ch. 985, Wis. stats., if the town board determines in writing after the public hearing that the permittee has failed or refused to comply with the appropriate Town of \_\_\_\_\_ or \_\_\_\_\_ County ordinances, or applicable state statutes or administrative rules, or has failed or refused to comply with the following specific restrictions or conditions regulating the accumulation and storage of junked vehicles in the Town of \_\_\_\_\_: [state specific conditions or restrictions].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 175.25: Junked vehicle ordinance

The following statutes affect this form: s. 175.25, Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Junked Vehicle Ordinance. The purpose of this ordinance is for the Town of \_\_\_\_\_ to regulate by permit and penalty the storing of certain junked vehicles in the Town of \_\_\_\_\_.

#### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_ has the specific authority under s. 175.25, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

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### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of storage of certain junked vehicles in the town.

### SECTION IV – DEFINITIONS

- A. “Junked vehicle” means any inoperable, ruined, dismantled, or wrecked vehicle, in whole or in part, including any vehicle in the possession of a motor vehicle salvage dealer for wrecking, processing, scrapping, recycling, or dismantling purposes. For purposes of this ordinance, a motor vehicle is rebuttably presumed to be inoperable if it is not moved for a period of \_\_\_\_ consecutive days. Demonstrating to the town board or its representative that the motor vehicle can be moved from its location under its own power conclusively rebuts the presumption.
- B. “Junked vehicle parts” means parts from a junked vehicle.
- C. “Motor vehicle,” except when included in the terms “motor vehicle dealer” or “motor vehicle salvage dealer,” means a vehicle that was, at the time of its manufacture, self-propelled.
- C. “Motor vehicle dealer” has the meaning given in s. 218.0101 (23), Wis. stats.
- D. “Motor vehicle salvage dealer” means a person who purchases and resells vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes or who carries on or conducts the business of wrecking, processing, scrapping, or dismantling motor vehicles or selling parts of motor vehicles so processed, including a motor vehicle salvage dealer who sells no vehicles or vehicle parts and whose business is limited to a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.
- E. “Person” means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.
- F. “Town” means the Town of \_\_\_\_\_, \_\_\_\_\_, County, Wisconsin.
- G. “Town board” means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board.
- H. “Town clerk” means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- I. “Vehicle” means every device in, upon, or by which any person or property is or may be transported. “Vehicle” includes, but is not limited to, all of the following:
  - 1. “Aircraft” as defined in s. 29.001 (16), Wis. stats.
  - 2. “All-terrain vehicles” as defined in s. 340.01 (2g), Wis. stats.
  - 3. “Antique vehicles” as described in s. 341.265, Wis. stats.
  - 4. “Automobiles” as defined in s. 340.01 (4), Wis. stats.
  - 5. “Boats” as defined in s. 29.001 (16), Wis. stats.
  - 6. “Camping trailers” as defined in s. 340.01 (6m), Wis. stats.
  - 7. “Farm equipment” as defined in s. 100.47 (1), Wis. stats.
  - 8. “Farm tractors” as defined in s. 340.01 (16), Wis. stats.
  - 9. “Hobbyist or homemade vehicles” as defined in s. 341.268, Wis. stats.
  - 10. “Junk vehicles” as defined in s. 340.01 (25j), Wis. stats.
  - 11. “Implements of husbandry” as defined in s. 340.01 (24), Wis. stats.
  - 12. “Manufactured homes” as defined in s. 101.91 (2), Wis. stats.
  - 13. “Mobile homes” as defined in s. 340.01 (29), Wis. stats.
  - 14. “Mopeds” as defined in s. 340.01 (29m), Wis. stats.
  - 15. “Motor bicycles” as defined in s. 340.01 (30), Wis. stats.
  - 16. “Motor buses” as defined in s. 340.01 (31), Wis. stats.
  - 17. “Motor homes” as defined in s. 340.01 (33m), Wis. stats.
  - 18. “Motor trucks” as defined in s. 340.01 (34), Wis. stats.
  - 19. “Motorcycles” as defined in s. 340.01 (32), Wis. stats.
  - 20. “Railroad trains” as defined in s. 340.01 (48), Wis. stats.
  - 21. “Recreational vehicles” as defined in s. 340.01 (48r), Wis. stats.
  - 22. “Road machinery” as defined in s. 340.01 (52), Wis. stats.

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- 23. "Road tractors" as defined in s. 340.01 (53), Wis. stats.
- 24. "Salvage vehicles" as defined in s. 340.01 (55g), Wis. stats.
- 25. "School buses" as defined in s. 340.01 (56), Wis. stats.
- 26. "Semi trailers" as defined in s. 340.01 (57), Wis. stats.
- 27. "Snowmobiles" as defined in s. 340.01 (58), Wis. stats.
- 28. "Special interest vehicles" as defined in s. 341.266, Wis. stats.
- 29. "Trailers" as defined in s. 340.01 (71), Wis. stats.
- 30. "Truck tractors" as defined in s. 340.01 (73), Wis. stats.
- 31. Unlicensed demolition motor vehicles and unlicensed racing motor vehicles.
- 32. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.
- J. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – COVERAGE

- A. No person may accumulate, store, or otherwise keep, or allow to be accumulated, stored, or otherwise kept on real estate owned or leased by the person, [any or not more than \_\_\_\_ *here designate the maximum number of junked cars to be kept on a property in the town with a permit*] junked vehicles or junked vehicle parts outside of any building on any real estate located within the town without obtaining a junked vehicle permit from the town board.
- A. No person may accumulate, store, or otherwise keep any junked vehicle or junked vehicle parts within 500 feet of the center line of any town highway in the town, or within 750 feet of the center line of any county trunk, state trunk, or federal highway without obtaining a junked vehicle permit from the town board.
- B. The fee for issuance of a junked vehicle permit shall be established by resolution of the town board at not less than \$\_\_\_\_ nor more than \$\_\_\_\_ per permit. The fees shall be established annually by the town board prior to \_\_\_\_\_. The term of the permit shall be from the date of the year of issue to June 30 of the next year. The permit shall be issued by the town board prior to any person accumulating or storing any junked vehicle or junked vehicle parts in the town subject to this ordinance.

### SECTION VII – APPLICATION/PERMIT

The application and permit shall designate the legal premises in the town subject to the permit. The permit may be amended without charge if the permittee changes premises in the town. However, the permit is not transferable from one person to another. The application and permit shall contain the following:

- A. The name of the applicant, any agent of applicant, and the owner of the premises, if different from the applicant.
- B. The address of the premises.
- C. The premises' telephone number, if any, and the residential telephone number of the applicant if different from the premises' telephone number, the business and residential telephone number of any agent, and the business and residential telephone number of the owner of the premises, if different from the applicant.
- D. The age of the applicant and of the owner of the premises, if different from the applicant.
- E. The legal description of the premises.
- F. The manner, if any, of storing and transporting junked vehicles and junked vehicle parts.
- G. The projected number of junked vehicles or junked vehicle parts projected to be stored, accumulated, or otherwise kept on the premises and the projected number of years of accumulation, storage, and removal of the junked vehicles and junked vehicle parts.

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H. Any other items requested by the town board in writing.

### SECTION VIII – ORDINANCE/PERMIT PROVISIONS

- A. Persons subject to this ordinance shall comply with ss. [84.31](#) and [175.25](#), Wis. stats.
- B. Each junk vehicle permit issued by the town board shall include conditions regarding all of the following, which shall be established on a case-by-case basis by the town board acting in its discretion:
- a. Installation and maintenance of fences on the premises.
  - b. Provision and maintenance of adequate fire safety equipment on the premises.
  - c. Removal or draining of all vehicle tanks and engines on the premises.
  - d. Installation and maintenance of adequate sanitary facilities on the premises.
  - e. Operational hours at the premises.
  - f. Installation and maintenance of adequate and necessary physical structures and equipment and provision of necessary personnel.
  - g. Rules and safeguards to prevent public nuisances and to protect the public health and safety of persons residing near the premises or persons entering the premises, including public nuisances at the premises associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.
  - h. Prohibition of open fires or open burning of solid waste at the premises.
  - i. Prohibition of any hazardous waste being stored, kept, or disposed of at the premises.
  - j. Installation and maintenance of adequate landscaping upon and surrounding the premises.
  - k. Provision and maintenance of adequate security and operational personnel to prevent trespassing onto the premises.
  - L. The number of junked vehicles and junked vehicle parts authorized to be kept on the premises.
  - m. Installation and maintenance of adequate physical structures and operational controls to prevent trespassing, littering, and private nuisances on private and public lands adjacent to the premises.
  - n. An other condition determined by the town board to be necessary and appropriate.
- C. The applicant and any other person subject to this ordinance are subject to all of the following:
- 1. No person shall be issued or reissued a junked vehicle permit in the town until the appropriate application fee has been paid to the town clerk.
  - 2. No person shall be issued or reissued a permit in the town who has failed to properly and fully complete and submit to the town clerk the application form as developed and provided by the town.
  - 3. No person shall be issued or reissued a junked vehicle permit, and a permittee may have the permit revoked after a public hearing by the town board, if the applicant for the junked vehicle permit or permittee has done any of the following:
    - a. Violated any condition stated in the junked vehicle permit.
    - b. Failed to comply, as determined by the town board, with any town or county zoning ordinances.
    - c. Failed to allow physical access to the premises by the town board or its designee for inspection purposes upon \_\_\_\_\_ hours' notice to the applicant or permittee.

### SECTION IX – PENALTY PROVISION

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

### SECTION X – SEVERABILITY

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

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### SECTION XI – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** This form is complementary to 29.038: Public nuisance ordinance [ss. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25 and ch. 823, Wis. stats.], and it is suggested that towns adopt both.

### Chapter 196: Public utility service

The following statutes affect this form: ch. 196, Wis. stats.

**Note:** For instructions for procedures under ch. 196, Wis. stats., contact the Public Service Commission, North Tower, 6th Floor, Hill Farms State Office Building, 4822 Madison Yards Way, Madison, Wis., 53705-9100.

### 254.59 (2): Notice to remove or abate human health hazard

The following statutes affect this form: s. 254.59 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_ [owner or occupant]:

Whereas, the following described human health hazard under s. 254.01 (2), Wis. stats., has been found on [describe the premises], [owned or occupied] by you: [specifically describe the human health hazard];

**You are hereby ordered** to [abate or remove] the human health hazard within 30 days after your receipt of this notice.

If the human health hazard is not abated or removed by 30 days after your receipt of this notice, the local health officer will immediately enter upon the property and abate or remove the human health hazard, in a manner approved by the local health officer, or may contract to have the work performed. The cost of the abatement or removal may be recovered from the person permitting the human health hazard or may be paid by the municipal treasurer and the account, after being paid by the treasurer, will be filed with the municipal clerk, who will enter the amount chargeable to the property in the next tax roll as a special tax on the lands upon which the human health hazard was located, and the tax will be collected as are other taxes. A person maintaining a human health hazard may also be fined not more than \$300 or imprisoned for not more than 90 days or both.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of local health officer or chairperson of the local board of health]

**Note:** Notice to be given to owners and occupants by registered mail with return receipt requested.

### Chapter 289: Recycling

The following statutes affect this form: ch. 289, Wis. stats.

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*Note: Information on recycling generally can be accessed on the Department of Natural Resources website at the following address:*

<http://dnr.wi.gov/topic/Recycling/>

### **289.22: Waste treatment, disposal, and storage ordinance**

The following statutes affect this form: s. 289.22, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Waste Treatment, Disposal, and Storage Ordinance. The purpose of this ordinance is for the town to regulate by permit and penalty the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the town.

#### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 289.22, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the town.

#### SECTION IV – DEFINITIONS

In this ordinance:

- A. “Hazardous waste” means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under s. 291.05 (1), (2), or (4), Wis. stats.
- B. “Hazardous waste facility” means a site or structure for the treatment, storage, or disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.
- C. “Solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under ch. 283, Wis. stats., or source material as defined in s. 254.31 (1), Wis. stats., special nuclear material as defined in s. 254.31 (11), Wis. stats., or by-product material as defined in s. 254.31 (1), Wis. stats.
- D. “Solid waste disposal” means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. “Solid waste disposal” does not include the transportation, storage, or treatment of solid waste.
- E. “Solid waste facility” means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. “Solid waste facility” includes the land where the facility is located. “Solid waste facility” does not include any of the following:
  - 1. A facility for the processing of scrap iron, steel, or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes.

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2. A facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
  3. An auto junkyard or scrap metal salvage yard.
  4. Any facility exempt from town regulation by state law or regulation, including certain demolition facilities.
- F. "Solid waste storage" means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
- G. "Solid waste treatment" means any method, technique, or process that is designated to change the physical, chemical, or biological character or composition of solid waste, including incineration.
- H. "Town" means the Town of \_\_\_\_\_, \_\_\_\_\_, County, Wisconsin.
- I. "Town board" means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board.
- J. "Town clerk" means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- K. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – COVERAGE

- A. No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the town without a permit issued by the town board under this ordinance.
- B. The permit under this ordinance shall be considered a local approval, as defined in s. 289.33 (3) (d), Wis. stats., subject to the requirements of s. 289.22, Wis. stats.
- C. The permit application fees shall be established annually by resolution of the town board. The permit shall be issued by the town board or its designees prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any facility or site in the town that is subject to this ordinance.

### SECTION VII – APPLICATION/PERMIT

The application for the town permit under this ordinance shall designate the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person changes premises in the town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain all of the following:

- A. The name of the applicant and the name of any agent for the applicant.
- B. The address of the applicant.
- C. The address and legal description of the premises for the facility or site and the current owner of the premises.
- D. The age of the applicant, if a natural person not over the age of 18 years.
- E. The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises.
- F. The length of time in years for construction of the facility, if applicable.
- G. All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, or long-term care.
- H. All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, or long-term care.
- I. The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
- J. The current and proposed zoning and land use plan for the facility premises, if any.



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- K. The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis.
- L. The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis.
- M. Copies of all feasibility reports and plan of operations submitted or to be submitted to the State of Wisconsin, Department of Natural Resources.
- N. The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
- O. Any public nuisance or threats to the public health or safety known by the applicant that are located at or near the proposed or current waste location.
- P. Any other information regarding the construction, operation, closure, or long-term care of the facility requested by the town in the application form.

### SECTION VIII – EXEMPTIONS

All of the following facilities, sites, or uses in the town are exempt from this ordinance:

- A. A facility or site under s. [289.43 \(5\)](#), Wis. stats., used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single family or household in the town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
- B. The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances in the town.
- C. The discharge of human waste products into any public sewerage system located within the town, or of the landspreading of human waste products on lands in the town.
- D. A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
- E. Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the town.
- F. Any existing waste facility or site operating upon the effective date of the ordinance with the current waste uses or activities at the facility or site that may or may not be subject to any preexisting town ordinance. Any new waste, storage, disposal, or treatment uses or activities after the effective date of this ordinance, or any expansion of the capacity of the facility or site after the effective date of this ordinance, shall be subject to this ordinance.
- G. Any demolition or other waste facility, including any landspreading of wood, ash, or sludge site exempt under s. [289.43](#), Wis. stats.
- H. Any alcohol fuel production system exempt under s. [289.44](#), Wis. stats.
- I. Any fruit and vegetable waste facility exempt under s. [289.445](#), Wis. stats.
- J. Any recyclable material collection facility approved for collection or processing operations by \_\_\_\_\_ County, the town, or any responsible unit under s. [287.09](#), Wis. stats.
- K. Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the ordinance.
- L. Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way so as not to cause a public or private nuisance.
- M. Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the town; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause public or private nuisance.
- N. Any open container or other system used to burn nontoxic or nonhazardous material in a lawful manner and so as not to cause a public nuisance in the town.

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### SECTION IX – SPECIFIC ORDINANCE AND PERMIT PROVISIONS

- A. No person may be issued or reissued a permit in the town under this ordinance until the appropriate application fee has been paid by the applicant to the town clerk.
- B. No person may be issued or reissued a permit under this ordinance who has failed to properly and fully complete and submit to the town clerk complete and truthful responses on the application form developed and provided by the town.
- C. No person may be issued or reissued a permit in the town under this ordinance, and any permit may be revoked or suspended after a public hearing by the town board, if the facility applicant or the permittee fails to do any of the following:
  - 1. Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the appropriate town, \_\_\_\_\_ County, state, and federal agencies.
  - 2. Comply with all conditions and restrictions attached by the town board to the permit issued under this ordinance by the town board.
  - 3. Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the town board.
- D. The town board may, in order to prevent public nuisances, protect the public health, and protect the environment in the town, require specific conditions or restrictions to be attached to any permit issued by the town board under this ordinance. These conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.

### SECTION X – PENALTY PROVISIONS

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

### SECTION XI – SEVERABILITY

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

### SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

### **323.11: Resolution declaring emergency**

The following statutes affect this form: s. 323.11, Wis. stats.

STATE OF WISCONSIN

## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

An emergency is declared as existing within the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, for the following reasons: *[list one or more of the reasons listed in s. 323.11, Wis. stats.]*

The period of emergency shall be limited to the time during which the emergency conditions exist or are likely to exist in the Town of \_\_\_\_\_.

The town board, or its designated agents, has the authority to order whatever is necessary and expedient for the health, safety, welfare, and good order of the Town of \_\_\_\_\_ during the emergency, including without limitation the power to bar, restrict, and remove all unnecessary traffic, vehicular or pedestrian, from the local highways.

Any person who violates a lawful order of the town board or its agents made under this emergency declaration shall forfeit not more than \$100 or, in default of payment of the forfeiture, shall be subject to imprisonment for 6 months for each separate offense.

The town clerk shall publish this resolution under s. 60.80, Wis. stats., in a local newspaper. This resolution shall become effective upon adoption by the town board and the forfeiture penalties shall become effective upon publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

### **323.14 (1) (b): Appointing emergency management officer and creating an emergency management plan; resolution**

The following statutes affect this form: s. 323.14 (1) (b), Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

\_\_\_\_\_ is appointed as the Emergency Management Officer for the Town of \_\_\_\_\_, effective \_\_\_\_\_, 20\_\_, with a term of office terminating on \_\_\_\_\_, 20\_\_, unless otherwise altered or extended by vote of the town.

*[If adoption of an emergency management plan and program is necessary, the following may also be included.]*

In cooperation with the County of \_\_\_\_\_, the town shall develop and adopt an emergency management plan and program for the Town of \_\_\_\_\_ consistent with the State of Wisconsin plan of emergency management. This plan and program shall be adopted by the town board effective not later than \_\_\_\_\_, 20\_\_, unless the town board in writing extends the deadline.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

## WISCONSIN TOWN LAW FORMS

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **348.27: Ordinances to permit and regulate the operation of implements of husbandry on town roads**

The following statutes affect this form: s. 348.27, Wis. stats.

*The Wisconsin Towns Association has developed a table that summarizes the options towns have regarding the length and weight of implements of husbandry on highways under their jurisdiction and sample ordinances for each of the four different options identified (Option B, Option C, Option D & Option E). Electronic copies of the table and sample ordinances may be found in the Implements of Husbandry section of the Information Library of the Towns Association website at:*

<https://www.wisctowns.com/information-library/>

### **349.07 (3): Designating through town highways; ordinance**

The following statutes affect this form: s. 349.07 (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.07, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes through town highways in the town as follows:

- A. The following described town highways are designated as through town highways under s. 349.07, Wis. stats.:  
[designate and describe specific highways].
- B. Pursuant to s. 349.07 (8), Wis. stats., the town chairperson, or his or her designee, shall erect stop signs at all the entrances to the through highway from other highways in accordance with s. 349.07 (4), Wis. stats., on or before the effective date of this ordinance.

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].\*

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:

<http://wisconsindot.gov>

## WISCONSIN TOWN LAW FORMS

### 349.07 (8): Providing for stop signs on highways; ordinance

The following statutes affect this form: s. 349.07 (8), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.07 (8), Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the installation of stop signs on town highways in the town as follows:

- A. Stop signs shall be placed on \_\_\_\_\_ [insert the name of the town highway on which the stop signs are to be placed] in the town at each entrance of that road onto \_\_\_\_\_: [insert the name of the highway (town or otherwise) at which traffic will stop before entering or crossing]
- B. [so continue]
- C. The town chairperson, or his or her designee, shall erect stop signs as provided in this ordinance on or before the effective date of this ordinance.\*

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_, a specific date after the date of publication or posting date, allowing adequate time for erection of signs.]

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:

<http://wisconsindot.gov>

### 349.10: Designating one-way highways ordinance

The following statutes affect this form: s. 349.10, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.10, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes one-way town highways in the town as follows:

- A. The following described highways are designated as one-way town highways under s. 349.10, Wis. stats.: [designate each one-way highway and its direction and specifically describe the highway or portion of highway].

## WISCONSIN TOWN LAW FORMS

- B. Pursuant to s. [349.10 \(1\) \(a\)](#), Wis. stats., the town chairperson, or his or her designee, shall place appropriate traffic signs on the above-described highways on or before the effective date of this ordinance.\*
- C. No person may operate any vehicle on any above-noted one-way highway in the direction opposite of that required for traffic on the highway. Any violation shall be subject to a forfeiture of \$\_\_\_\_\_.

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*\*Note: Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. [84.02 \(4\) \(e\)](#), Wis. stats. The manual may be accessed at the Department of Transportation website at:*

<http://wisconsindot.gov>

### **[349.11: Lowering speed limit on town highways ordinance](#)**

The following statutes affect this form: s. [349.11](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. [349.11](#), Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the reduction of the speed limits on certain town highways in the town as follows:

- A. Pursuant to s. [349.11](#), Wis. stats., effective \_\_\_\_\_, 20\_\_, speed limits on certain Town of \_\_\_\_\_ town highways are reduced or modified as follows: *[list highways and affected locations, specifically describing them, and applicable speed limit reductions and modifications]*.
- B. Pursuant to s. [349.11 \(5\)](#), Wis. stats., the town chairperson, or his or her designee, shall place appropriate traffic signs at the above-described locations on or before the effective date of this ordinance.\*
- C. No person may operate any vehicle on the above-noted town highways in violation of the above-noted speed limits. Any violation shall be subject to penalties under s. [346.60](#), Wis. stats.

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

## WISCONSIN TOWN LAW FORMS

*\*Note: Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:*

<http://wisconsindot.gov>

### 349.11: Lowering speed limit on town rustic roads ordinance

The following statutes affect this form: s. 349.11, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.11, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the reduction of the speed limits on certain Rustic Roads in the town as follows:

- A. Pursuant to s. 349.11, Wis. stats., and s. Trans-RR 1.14, Wisconsin Administrative Code, effective \_\_\_\_\_, 20\_\_, the speed limit on all Town of \_\_\_\_\_ highways officially designated as Rustic Roads under s. 83.42, Wis. stats., is established as 35 miles per hour. The following highways in the town have been designated as Rustic Roads: *[list and specifically describe rustic roads]*.
- B. The town chairperson, or his or her designee, shall place appropriate traffic signs at the above-described locations on or before the effective date of this ordinance.\*
- C. No persons shall operate any vehicle on the above-noted town highways in violation of the above-noted speed limits. Any violation shall be subject to penalties under s. 346.60, Wis. stats.

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*Note: Trans-RR 1.14 (1), Wisconsin Administrative Code, provides: "The speed limit on all officially designated rustic roads is 45 miles per hour but may be changed by the maintaining authority. Any increase in the speed limit above 45 miles per hour requires the approval of the department."*

*\*Note: Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:*

<http://wisconsindot.gov>

### 349.13: Regulating stopping, standing, or parking of vehicles ordinance

The following statutes affect this form: s. 349.13, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County



## WISCONSIN TOWN LAW FORMS

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.13, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the stopping, standing, or parking of vehicles on town highways in the town as follows:

- A. The stopping, standing, or parking of vehicles on the following town highways in the Town of \_\_\_\_\_ is subject to the following restrictions and limitations: *[list highways, and affected locations if only parts of highways are affected, specifically describing them, and applicable restrictions and limitations]*.
- B. The town chairperson, or his or her designee, shall place appropriate traffic signs on the above-described highways on or before the effective date of this ordinance.\*
- C. No persons may operate any vehicle on the above-noted town highways in violation of the above-noted stopping, standing, or parking restrictions and limitations. Any violation shall be subject to a forfeiture of \$\_\_\_\_\_.

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:

<http://wisconsindot.gov>

### 349.15: Designating class “B” highways; ordinance

The following statutes affect this form: s. 349.15, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.15 (2), Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, designates town highways as class “B” highways in the town as follows:

- A. The following town highways in the Town of \_\_\_\_\_ are designated class “B” highways subject to the weight limits set forth in s. 348.16 (2), Wis. stats., unless increased by town ordinance: *[list highways, and affected locations if only parts of highways are affected, specifically describing them]*.
- B. The town chairperson, or his or her designee, shall place appropriate traffic signs on the above-described highways on or before the effective date of this ordinance.\*
- C. No person may operate any vehicle on the above-noted highways in violation of the weight limits set forth in s. 348.16 (2), Wis. stats. Upon conviction for a violation of this ordinance, the violator shall pay a forfeiture of not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_, plus the applicable surcharges, assessments, and costs for each violation. Each trip in violation of this ordinance constitutes a separate offense. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

## WISCONSIN TOWN LAW FORMS

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:

<http://wisconsindot.gov>

### 349.16: Establishing special or seasonal weight limits ordinance

The following statutes affect this form: s. 349.16, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under ss. 82.03 and 349.16, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes special or seasonal weight limits as follows:

- A. The following special or seasonal weight limits shall be effective for the periods stated below on the following Town of \_\_\_\_\_ town highways: [list individual town highways, applicable weight limits, and dates weight limits are to be in effect].
- B. The town chairperson, or his or her designee, shall erect signs as required under s. 349.16 (2), Wis. stats., on or before the effective date of this ordinance.\*
- C. Except as provided in section D, no person may operate any vehicle on the above-noted highways in violation of the above-noted weight limits without a written permit issued by the Town Board of the Town of \_\_\_\_\_. Upon conviction for a violation of this ordinance, the violator shall pay a forfeiture of not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_, plus the applicable surcharges, assessments, and costs for each violation. Each trip in violation of this ordinance constitutes a separate offense. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.
- D. Pursuant to s. 349.16 (3), Wis. stats., all of the following are exempt from the weight limitations imposed under section A:
  1. A vehicle that is used to transport material pumped from a septic or holding tank if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents and is operated on a route that minimizes travel on highways subject to weight limitations imposed under section A. Within 72 hours after so operating a vehicle, the owner or operator of the vehicle shall notify the town board [or other authority in charge of maintenance of the town highways over which the vehicle was operated].
  2. A vehicle operated by or at the direction of any of the following for the purpose of producing or furnishing heat, light, power, or water to its members, that is being operated for the purpose of responding to a service interruption:
    - a. A public utility, as defined in s. 196.01 (5), Wis. stats.

## WISCONSIN TOWN LAW FORMS

- b. A telecommunications provider, as defined in s. [196.01 \(8p\)](#), Wis. stats.
- c. A cooperative association organized under ch. [185](#), Wis. stats.
- 3. A vehicle being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds for a vehicle with a single rear axle or 40,000 pounds for a vehicle with tandem rear axles, and if the vehicle is a tank vehicle, the tank is loaded to no more than 50% of the capacity of the tank.
- 4. [optional] Vehicles carrying [commodities specified by the town board]. The town board finds that the exemption from the weight limits imposed under section A for [commodities specified by the town board] is reasonable and necessary to promote the public health, safety, and welfare of the town.\*\*
- 5. [optional] Vehicles that are used to perform [services specified by the town board].\* The town board finds that the exemption from the weight limits imposed under section A for [services specified by the town board] is reasonable and necessary to promote the public health, safety, and welfare of the town.\*\*

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** Adoption of an ordinance is appropriate in towns where no superintendent of highways has been appointed by the town board. Section [349.16 \(1\) \(a\)](#), Wis. stats., authorizes “the officer in charge of maintenance in case of highways maintained by a town” to establish weight limits under the section, but s. [82.03 \(1\) \(a\)](#), Wis. stats., provides:

The town board shall have the care and supervision of all highways under the town’s jurisdiction, including the highways specified in s. [83.06](#). The town board may appoint in writing a superintendent of highways to supervise, under the board’s direction, the construction, repair, and maintenance of the highways and bridges under the town’s jurisdiction. Where no superintendent of highways is appointed, it shall be the duty of the town board to perform all of the duties that are prescribed by law for the superintendent of highways to perform, including keeping the highways passable at all times.

**\*Note:** Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. [84.02 \(4\) \(e\)](#), Wis. stats. The manual may be accessed at the Department of Transportation website at:

<http://wisconsindot.gov>

**\*\*Note:** In lieu of exempting vehicles carrying certain commodities or performing certain services from the weight limitations imposed under section A, the town board may set weight limitations for vehicles carrying those commodities or that are used to perform those services that are different than those imposed under section A if the limitation is reasonable and necessary to promote the public health, safety, and welfare.

### **349.16: Permit for overweight vehicles**

The following statutes affect this form: s. [349.16](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

TOWN OF \_\_\_\_\_ PERMIT

## WISCONSIN TOWN LAW FORMS

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, authorizes and issues to \_\_\_\_\_, as owner or operator of \_\_\_\_\_ [describe vehicle], a permit effective \_\_\_\_\_, 20\_\_\_\_, authorizing travel by the described vehicle on the following Town of \_\_\_\_\_ town highway in the Town of \_\_\_\_\_ on the following conditions: [list highways, applicable conditions, and the effective term of the permit].

A. The Town of \_\_\_\_\_ highways and routes that may be used under this permit are as follows: [list highways, routes, and specific locations].

B. [Choose Alternative 1 or 2 below, as applicable.]

(Alternative 1) The permit issued is a single trip permit issued under s. 348.26, Wis. stats.

(Alternative 2) The permit issued is [choose one an annual or consecutive month or multiple] trip permit issued under s. 348.27, Wis. stats., which shall be in effect from \_\_\_\_\_, 20\_\_\_\_, to \_\_\_\_\_, 20\_\_\_\_.

C. The permit, as issued, applies only to the above-described vehicle during operations as permitted. The permit, as issued, is not transferable, is revocable, and can be suspended by the town board or its designees at any time for good cause. The permittee may upon revocation or suspension request a hearing before the Town Board of the Town of \_\_\_\_\_.

D. The fee for the permit is \$\_\_\_\_\_ payable to the town treasurer of the Town of \_\_\_\_\_ by the applicant on or before issuance of the permit by the town board.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 349.17: Designating heavy traffic routes ordinance

The following statutes affect this form: s. 349.17, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.17, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, designates town highways as heavy traffic routes in the town as follows:

- A. In this ordinance, “heavy traffic” means all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 6,000 pounds.
- B. The following Town of \_\_\_\_\_ highways are designated as heavy traffic routes and heavy traffic on the following town highways is restricted or prohibited as follows: [list highways, and affected locations if only parts of highways are affected, specifically describing them, and the restrictions or prohibitions].
- C. The town chairperson, or his or her designee, shall place appropriate traffic signs on the above-described highways on or before the effective date of this ordinance.\*
- D. No person may operate any vehicle on the above-noted highways in violation of the above-noted restrictions or prohibitions. Any violation shall be subject to a forfeiture of \$\_\_\_\_\_.

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

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

## WISCONSIN TOWN LAW FORMS

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*\*Note: Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:*

<http://wisconsindot.gov>

### **349.185: Regulating certain events and productions ordinance**

The following statutes affect this form: s. 349.185, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.185, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of certain events and productions on town highways in the town as follows:

- A. Effective \_\_\_\_\_, 20\_\_, the following regulations and limitations are placed on the following community events, processions, or assemblages on the following Town of \_\_\_\_\_ highways: *[list events, affected highways, and applicable restrictions]*.
- B. No person may violate any of the above-noted regulations and limitations. Any violation shall be subject to a forfeiture of \$\_\_\_\_\_.

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **349.22: Designating a mass transit way ordinance**

The following statutes affect this form: s. 349.22, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 349.22 (1), Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, designates a town highway as a mass transit way in the town as follows:

## WISCONSIN TOWN LAW FORMS

- A. A portion of highway [name or number] between [designate points], more particularly identified as [specify lanes, etc.], is designated as a mass transit way.
- B. Only the following types of vehicles may use the mass transit way [designate types] and [specify any other restrictions on use].
- C. The town chairperson, or his or her designee, shall place appropriate traffic signs on the above-described highways on or before the effective date of this ordinance.\*
- D. No persons may operate any vehicle on the above-noted highway in violation of the above-noted restrictions and limitations on vehicle type or highway use. Any violation shall be subject to a forfeiture of \$\_\_\_\_\_.

This ordinance is effective on [publication or posting or \_\_\_\_\_, 20\_\_ (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)].

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** If car pool vehicles are permitted to use a mass transit way, the board may specify the minimum number of occupants, including the operator, in the vehicles.

**\*Note:** Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation website at:

<http://wisconsindot.gov>

### 350.04: Blocking town highway for snowmobile event; resolution

The following statutes affect this form: s. 350.04, Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

Effective \_\_\_\_\_, 20\_\_, the following Town of \_\_\_\_\_ highways shall be blocked off for the purpose of allowing the following specific special snowmobile events on the dates, at the times, and upon conditions for use of the town highway as stated below: [list events, dates, and times, affected highways, and applicable conditions].

The town clerk shall do all of the following:

1. Notify in writing, at least one week in advance of the time and place, the county sheriff and any appropriate local police officer of this resolution and provide each with a copy of this resolution.
2. Post at least one copy of this resolution in a conspicuous place in the Town of \_\_\_\_\_, readily accessible to all contestants and spectators.
3. Properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## WISCONSIN TOWN LAW FORMS

[Signatures of town board]

Attest: [Signature of town clerk]

### 350.18: Snowmobile routes ordinance

The following statutes affect this form: s. 350.18, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Snowmobile Route Ordinance. The purpose of this ordinance is to establish snowmobile routes in the town and to regulate the operation of snowmobiles in the town.

#### SECTION II – AUTHORITY

The town board has the specific authority to adopt this Snowmobile Route Ordinance under s. 350.18, Wis. stats. [and if applicable, and general authority under its village powers under s. 60.22, Wis. stats.]

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, designates snowmobile routes in the town and provides for the regulation of the use of those trails.

#### SECTION IV – DESIGNATION OF SNOWMOBILE ROUTES

The following routes are designated snowmobile routes in the town: [list road names and designate parts of roads and locations affected or attach a plat map to the ordinance with designated highways marked as snowmobile routes].

#### SECTION V – CONDITIONS APPLICABLE TO SNOWMOBILE ROUTES

The following restrictions are placed on the use of the town snowmobile routes designated by this resolution during the following periods of the year:

- A. Town highways designated as snowmobile routes shall be marked with uniform snowmobile route signs in accordance with s. 350.13, Wis. stats. [and if the town has village powers it may add No person may do any of the following in regard to signs marking town snowmobile routes:
  1. Intentionally remove, damage, deface, move, or obstruct any uniform snowmobile route or trail sign or standard of the type established by the State of Wisconsin, Department of Natural Resources or intentionally interfere with the effective operation of any uniform snowmobile route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
  2. Possess any uniform snowmobile route or trail sign or standard of the type established by the State of Wisconsin, Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform snowmobile route or trail sign or standard in a lawful manner. Possession of a uniform snowmobile route or trail sign or standard creates a rebuttable presumption of illegal possession.]
- B. Operation shall be subject to all provisions of s. 350.04 (2), Wis. stats., and any other provision of ch. 350, Wis. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 350.18, Wis. stats.
- C. A copy of this ordinance shall be sent by the town clerk to the \_\_\_\_\_ County Sheriff's Department.
- D. [If the town has village powers, it may list additional restrictions and applicable time periods, if any, for example:

All snowmobile operators shall observe posted roadway speed limits.

All snowmobile operators shall ride single file.

## WISCONSIN TOWN LAW FORMS

*All snowmobile operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.]*

### SECTION VI – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

### SECTION VII – PENALTIES

The penalties under s. 350.11, Wis. stats., are adopted and incorporated by reference.

### SECTION VIII – SEVERABILITY

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

### SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats., and mail a copy to the State of Wisconsin Department of Natural Resources and to the \_\_\_\_\_ [all law enforcement agencies exercising jurisdiction in the town], as required under s. 350.047, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** Information on snowmobiles generally, including registration requirements and applications, can be accessed on the Department of Natural Resources website:

<http://dnr.wi.gov/topic/snowmobile/>

### **350.18: Snowmobile access ordinance**

The following statutes affect this form: s. 350.18, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Snowmobile Access Ordinance. The purpose of this ordinance is to authorize persons to travel by snowmobile on highways within the town from [residences *or* lodging establishments *select one or both*] within the town to the nearest snowmobile route or trail and to prescribe penalties for violations.



## WISCONSIN TOWN LAW FORMS

### SECTION II – AUTHORITY

The town board has the specific authority to adopt this Snowmobile Route Ordinance under s. 350.18, Wis. stats. [and if applicable, and general authority under its village powers under s. 60.22, Wis. stats.]

### SECTION III – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION IV – AUTHORIZATION AND CONDITIONS

- A. In this section “highways within the town” means [*select one* all highways within the town, [*select one except/including state and county highways or all of the following designated highways [and parts of highways if applicable]* in the town:
  - 1. *specifically list and describe highways here*]
- C. Residents of the town and their guests and registered guests of lodging establishments in the town are authorized to operate snowmobiles on highways within the town that are not not designated as snowmobile routes for the sole purpose of accessing the snowmobile route or snowmobile trail nearest the resident’s residence or registered guest’s place of lodging by way of the shortest available route from the residence or lodging establishment to the nearest snowmobile route or trail.
- C. A person operating a snowmobile on highways within the town as authorized in subsection B may operate the snowmobile [*select one* upon the roadway and shoulder of the highway *or* only upon the shoulder of the highway].
- D. A person operating a snowmobile on highways within the town as authorized in subsection B shall do all of the following [*as applicable*]:
  - 1. Observe speed limits applicable to the travelled highway.
  - 2. Operate the snowmobile on the extreme right side of the roadway and travel with the flow of traffic.
  - 3. Not operate the snowmobile abreast of another snowmobile or other vehicle travelling in the same direction except when being overtaken and passed by another vehicle. When riding with more than one snowmobiler, the snowmobiles shall be operated in single file and passing is not permitted.
  - 4. Operate the snowmobile’s headlight and taillight at all times.
  - 5. *Any other conditions.*
- E. Except as provided in this section, no person may operate a snowmobile on highways within this town, except as provided in ch. 350, Wis. stats., which is adopted and incorporated by reference.\*

### SECTION V – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

### SECTION VI – PENALTIES

The penalties under s. 350.11, Wis. stats., are adopted and incorporated by reference.

### SECTION VII – SEVERABILITY

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

## WISCONSIN TOWN LAW FORMS

### SECTION VIII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats., and mail a copy to the State of Wisconsin Department of Natural Resources and to the \_\_\_\_\_ [all law enforcement agencies exercising jurisdiction in the town], as required under s. 350.047, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** This form is complementary to 350.18: Snowmobile routes ordinance and towns may wish to adapt both, or Section IV of this form may be adapted for inclusion as part of a snowmobile routes ordinance.

### Waterways

#### 30.103: Identification of high water mark by town sanitary district; resolution

The following statutes affect this form: s. 30.103, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Sanitary District Commission for the \_\_\_\_\_ Sanitary District, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The high water mark of Lake \_\_\_\_\_, a lake that lies wholly within the \_\_\_\_\_ Sanitary District, is identified as being that high water mark level described as follows:

[establish high water mark].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town sanitary district members]

[Attest: Town sanitary district clerk]

#### 30.123: Bridges and culverts permit information

The following statutes affect this form: s. 30.123, Wis. stats.

**Note:** No person may construct or maintain a bridge or construct, place, or maintain a culvert in, on, or over navigable waters without obtaining a permit from the Department of Natural Resources. For more information, see the DNR website at the following address:

[https://dnr.wisconsin.gov/topic/Waterways/water\\_levels\\_crossings/crossings.html](https://dnr.wisconsin.gov/topic/Waterways/water_levels_crossings/crossings.html)

#### 30.13 (5m): Resolution and removal order for pier or wharf

The following statutes affect this form: s. 30.13 (5m), Wis. stats.

STATE OF WISCONSIN

## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

Pursuant to the findings of the town board, stated below, \_\_\_\_\_, the owner of a wharf or pier, shall remove or have removed the wharf or pier described below by \_\_\_\_\_, 20\_\_\_\_. If the wharf or pier is not timely removed by the owner, the town board orders \_\_\_\_\_, [a town officer *or* agent of the town], to remove or have removed the wharf or pier.

*[Include either Alternative 1 or 2, as applicable.]*

*[Alternative 1]* The town board finds that the pier or wharf located at \_\_\_\_\_ *[insert location including name of waterway, if any]* constitutes an unlawful obstruction of navigable water in the Town of \_\_\_\_\_. The wharf or pier shall be timely removed as follows:

*[state method of removal].*

*[Alternative 2]* The town board finds that the pier or wharf located at \_\_\_\_\_ *[insert location including name of waterway, if any]* is so old, dilapidated, or in need of repair that it constitutes a public nuisance. The town board finds that repair of the wharf or pier is presumed unreasonable and the wharf or pier is presumed to be a public nuisance under s. 30.13 (5m) (a) 2., Wis. stats. The wharf or pier should be removed as follows:

*[state method of removal].*

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

**Note:** Under s. 30.13 (5m) (a) 2., Wis. stats., the town board must determine the cost of repair prior to utilizing Alternative 2. In relevant part, s. 30.13 (5m) (a) 2., Wis. stats., states:

**30.13 (5m) (a) 2.** If the governing body of a city, village or town or a designated officer determines that the cost of repair is likely to exceed 50% of the equalized assessed value of the wharf or pier or, if the wharf or pier is not subject to assessment, if the cost of repair is likely to exceed 50% of the current fair market value, then repair is presumed unreasonable and the wharf or pier is presumed to be a public nuisance.

**Note:** The removal order must be served on the owner or person responsible in the manner provided for service of summons or by posting if the owner or responsible agent cannot be served.

### **30.16 (1): Removing obstructions to navigation; resolution**

The following statutes affect this form: s. 30.16 (1), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

## WISCONSIN TOWN LAW FORMS

Pursuant to s. 30.16 (1), Wis. stats., \_\_\_\_\_, a town officer, shall give reasonable written notice to the owner or master, or an agent of the owner or master, of a watercraft or float described as \_\_\_\_\_ [describe watercraft or float as specifically as possible] that is obstructing the free navigation of \_\_\_\_\_ [insert location including name of waterway, if any] to remove the obstruction from the waterway by \_\_\_\_\_, 20\_\_.

If the above-described watercraft or float is not removed by the owner or master, or the agent of the owner or master, by \_\_\_\_\_, 20\_\_, then \_\_\_\_\_, acting as a town officer, shall act to have the obstruction removed for the Town of \_\_\_\_\_ and upon the removal of the watercraft or float from \_\_\_\_\_ [insert location including name of waterway, if any] shall, relative to the watercraft or float, take the following additional actions:

[list and detail actions to be taken].

Upon publication of this resolution, the Town Board of the Town of \_\_\_\_\_ shall obtain a first lien on the watercraft or float described above for all costs, charges, and expenses incurred by the town in the removal of the watercraft or float described above. The attorney for the Town of \_\_\_\_\_ is authorized to commence a personal action for the town against the owner of the watercraft or float for all costs, charges, or expenses incurred by the town in removing the obstruction above.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 30.77: Town regulation of boating

The following statutes affect this form: s. 30.77, Wis. stats.

*The Department of Natural Resources (DNR) has published Guidelines for Creating Local Boating Ordinances and Placing Waterway Markers in Wisconsin Waters, which contains sample ordinances. Electronic copies of the publication may be downloaded from the DNR website at the following address:*

<https://dnr.wisconsin.gov/Topic/Boat/ordinances>

### 31.38: Resolution for construction and maintenance of dam

The following statutes affect this form: s. 31.38, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The following actions regarding a dam across \_\_\_\_\_, [insert location including name of waterway, if any] a lake or stream that is adjoining or is within the town municipal limits, are authorized:

[state specific acquisition, construction, maintenance, or repair action to be taken by town].

It is ordered that a plan for the above-described action, with specifications and cost estimates to be provided to the town board for adoption, shall be prepared. The plan, when adopted by the town board, shall be submitted to the State of

## WISCONSIN TOWN LAW FORMS

Wisconsin, Department of Natural Resources and the appropriate federal agency for approval. No action may be taken by the town until the plan has been approved by the Department of Natural Resources and the appropriate federal agency. The plan, at minimum, shall contain all of the following:

*[list plan specifications].*

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

**Note:** *Permits or approvals from the Department of Natural Resources are required for the construction and maintenance of dams on both navigable and nonnavigable waterways (streams, creeks, or rivers). A fee is required. For more information, see the DNR website:*

<http://dnr.wi.gov/topic/dams/>

### 33.23: Establishing public inland lake district; resolution and order

The following statutes affect this form: ss. 33.23, 33.25, 33.26, and 33.265, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

Pursuant to the findings of the town board, stated below, a public inland lake district is established for the following described area, which encompasses within its boundaries all of the frontage of Lake \_\_\_\_\_, a public inland lake within this state. The corporate name of the public inland lake district is \_\_\_\_\_. The boundaries of the district are as follows:

*[insert legal descriptions and boundaries].*

The town board, after consideration of the committee report and other evidence submitted to it, has found all of the following:

1. The petition was signed by the requisite owners; the appropriate notice of public hearing was published, mailed, or emailed; the public hearing was held not later than 30 days from the date of presentation of the petition to the town board; the appropriate committee was appointed and reported to the town within 3 months after the date of the public hearing; and this order is issued within 6 months after the date of the hearing.
2. The proposed district is necessary.
3. The public health, comfort, convenience, necessity, or public welfare will be promoted by the establishment of the district.
4. The real property in the district will be benefited by the establishment of the district.
5. The State of Wisconsin, Department of Natural Resources was properly notified in writing of the hearing at the time the hearing date was set.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## WISCONSIN TOWN LAW FORMS

[Signatures of town board]

Attest: [Signature of town clerk]

### Town Boundaries

#### 60.03 (2): Petition for division of a town

The following statutes affect this form: s. 60.03 (2), Wis. stats.

#### PETITION

To the county board of \_\_\_\_\_ County, Wisconsin:

We, the undersigned, electors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, petition for the division of the town, as follows:

That part of the Town of \_\_\_\_\_ described as: [insert legal description] shall constitute a town to be known as the Town of \_\_\_\_\_; and that that part of the Town of \_\_\_\_\_ described as: [insert legal description] shall constitute and be known as the Town of \_\_\_\_\_:

Signature	Street Address	Municipality for Voting	Date

#### AFFIDAVIT

STATE OF WISCONSIN

\_\_\_\_\_ County

\_\_\_\_\_, of \_\_\_\_\_ [insert address of residence with street and number], being duly sworn, says that I personally circulated the petition and personally obtained each of the signatures; that I know that the signers are electors of the jurisdiction or district in which the petition is circulated; that I know that the signers signed the paper with full knowledge of its content; that I know the signers' respective residences given; that I know that each signer signed on the date stated opposite his or her name; that I reside within the jurisdiction or district in which the petition is circulated; and that I am aware that falsifying the affidavit is punishable under ss. 12.13 (3) (a) and 946.32 (1) (a), Wis. stats.

[Signature of affiant]

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of officer administering oath]

**Note:** The original petition should be filed with the county clerk. A copy of the petition must be filed with the town clerk at least 60 days before the next annual town meeting.

#### 60.03 (2): Petition to dissolve a town

The following statutes affect this form: s. 60.03 (2), Wis. stats.

#### PETITION

## WISCONSIN TOWN LAW FORMS

To the county board of the County of \_\_\_\_\_, Wisconsin:

We, the undersigned, electors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereby petition for the dissolution of the Town of \_\_\_\_\_:

Signature	Street Address	Municipality for Voting	Date

### AFFIDAVIT

STATE OF WISCONSIN

\_\_\_\_\_ County

\_\_\_\_\_, of \_\_\_\_\_ [insert address of residence with street and number], being duly sworn, says that I personally circulated the petition and personally obtained each of the signatures; that I know that the signers are electors of the jurisdiction or district in which the petition is circulated; that I know that the signers signed the paper with full knowledge of its content; that I know the signers' respective residences given; that I know that each signer signed on the date stated opposite his or her name; that I reside within the jurisdiction or district in which the petition is circulated; and that I am aware that falsifying the affidavit is punishable under ss. 12.13 (3) (a) and 946.32 (1) (a), Wis. stats.

[Signature of affiant]

Subscribed and sworn to before me this day \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of officer administering oath]

**Note:** The original petition should be filed with the county clerk and a copy filed with the town clerk at least 60 days before the next annual town meeting.

### 60.03 (3): Notice of referendum on the question of the division of a town

The following statutes affect this form: s. 60.03 (3), Wis. stats.

STATE OF WISCONSIN

\_\_\_\_\_ County

The question of dividing the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, into two towns so that [insert description of first subdivision as in the petition] shall constitute the Town of \_\_\_\_\_ and so that [insert description of the other subdivision as in the petition] shall constitute the Town of \_\_\_\_\_, will be voted on by ballot at the next annual town meeting.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** Notice of a division shall be published as a class 2 notice under ch. 985, Wis. stats., and shall also be posted in 3 public places in each subdivision of the town at least 30 days before the annual town meeting.

### 60.03 (3): Notice of referendum on the question of the dissolution of a town

The following statutes affect this form: s. 60.03 (3), Wis. stats.



WISCONSIN TOWN LAW FORMS

STATE OF WISCONSIN

\_\_\_\_\_ County

**Notice is hereby given** that the question of the dissolution of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, will be voted upon by ballot at the next annual town meeting.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** Notice of a dissolution shall be published as a class 2 notice under ch. 985, Wis. stats., and shall be posted in 3 public places in the town at least 30 days before the annual town meeting.

**60.03 (5): Certificate of election results on the question of the division of a town**

The following statutes affect this form: s. 60.03 (5), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

To the clerk of \_\_\_\_\_ County, Wisconsin:

I, \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certify that upon the question of the division of the town, which was voted on by ballot, after due notice, at the last annual town meeting, a majority of the votes cast in one of the proposed subdivisions was in favor of division.

In witness whereof I have hereto set my hand this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**60.03 (5): Certificate of election results on the question of the dissolution of a town**

The following statutes affect this form: s. 60.03 (5), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

To the clerk of \_\_\_\_\_ County, Wisconsin:

I, \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certify that a majority of the votes cast at the last annual town meeting upon the question of dissolution of the town were in favor of dissolution.

In witness whereof I have hereto set my hand this \_\_\_\_\_ of April, 20\_\_.

[Signature of town clerk]

**66.0235 (2): Certificate of clerk of town to which territory is transferred**

The following statutes affect this form: s. 66.0235 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

## WISCONSIN TOWN LAW FORMS

To the clerk of [name of municipality from which territory was transferred]:

The undersigned, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certifies that the following is the correct metes and bounds description of the land area transferred from [name of municipality] to the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, effective \_\_\_\_\_, 20\_\_ : [metes and bounds description].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of clerk of town to which territory was transferred]

**Note:** The same certification must be made to the clerk of the school district in which the transferred territory is located.

### 66.0235 (2): Certificate of clerk of town from which territory was transferred

The following statutes affect this form: s. 66.0235 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To the State of Wisconsin, Department of Revenue:

The undersigned, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, [name of municipality from which territory was transferred] certifies the latest assessed value of the real and personal property located within territory transferred from the Town of \_\_\_\_\_, [name of municipality from which territory was transferred] to [name of municipality to which territory was transferred] described in the attached certificate of the clerk of [name of municipality to which territory was transferred] dated \_\_\_\_\_, 20\_\_:

Year	Real Property Valuation	Personal Property Valuation

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of clerk of town from which territory was transferred]

**Note:** The same certification must be made to the clerk of the school district in which the transferred territory is located. If the transfer of territory from one municipality to another results from the incorporation of a new city or village, see s. 66.0235 (2) (b), Wis. stats., for a computation based on the town's assessment rolls for the preceding 5 calendar years.

### 66.0301 (6): Cooperative boundary agreements

The following statutes affect this form: s. 66.0301 (6), Wis. stats.

**Note:** The State of Wisconsin, Department of Administration, Division of Intergovernmental Relations, makes available a variety of information related to cooperative boundary agreements, including a fact sheet, flow chart, and list of completed agreements on its website at the following address:

<https://doa.wi.gov/Pages/LocalGovtsGrants/MunicipalBoundaryReview.aspx>

### 66.0307: Authorizing participation in preparation of a cooperative boundary plan; resolution

The following statutes affect this form: s. 66.0307, Wis. stats.

## WISCONSIN TOWN LAW FORMS

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The participation by the Town of \_\_\_\_\_ in the preparation of a cooperative boundary plan under s. 66.0307, Wis. stats., and in accordance with s. 66.0307 (4), Wis. stats., is authorized.

The town clerk shall provide notice of this adopted resolution to the following in writing within 5 days of the adoption of this resolution:

1. State of Wisconsin, Department of Administration.
2. State of Wisconsin, Department of Natural Resources.
3. State of Wisconsin, Department of Agriculture, Trade and Consumer Protection.
4. State of Wisconsin, Department of Transportation.
5. The clerk of each county in which a participating municipality is located. *[list counties]*
6. Each county zoning agency or regional planning commission whose jurisdiction includes a participating municipality. *[list agencies or commissions, if any]*
7. The Clerks of each of the following, being local governmental units with any part of its territory within 5 miles of any participating municipality:
  - a. Municipalities. *[list]*
  - b. School Districts. *[list]*
  - c. Technical Colleges. *[list]*
  - d. Sewage Districts. *[list]*
  - e. Sanitary Districts. *[list]*

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

### Zoning and Land Planning

#### 59.69 (5) (e) 3.: Disapproving petition for county zoning amendment; resolution

The following statutes affect this form: s. 59.69 (5) (e) 3., Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The petition to amend the \_\_\_\_\_ County zoning ordinances relating to the change of the location of zoning district boundaries in the town, [which \_\_\_\_\_ *(describe proposed changes)*], or a copy of which is attached to

## WISCONSIN TOWN LAW FORMS

this resolution], is timely disapproved. [No or An] extension for disapproving the proposed petition to amend has been filed by the town board with the county clerk.\*

The town clerk shall file a certified copy of this resolution with the \_\_\_\_\_ County zoning agency and the county clerk not later than [10 days (*if no extension is filed under s. 59.69 (5) (e) 3m.*) or 30 days (*if an extension is filed under s. 59.69 (5) (e) 3m.*) after the public hearing held by the county in this matter.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Under s. 59.69 (5) (e) 3m., Wis. stats., the town board may extend its time for disapproving any proposed amendment by 20 days by adopting a resolution to that effect and filing a certified copy of the resolution with the county clerk.

### 59.69 (5) (e) 3m.: Extending time to disapprove petition for county zoning amendment; resolution

The following statutes affect this form: s. 59.69 (5) (e) 3m., Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

Pursuant to s. 59.69 (5) (e) 3m., Wis. stats., the time for disapproving any petition to amend \_\_\_\_\_ County zoning ordinances is extended 20 days to the thirtieth day after the public hearing held by the county in the matter. This 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the rescinding resolution with the \_\_\_\_\_ County clerk.

The town clerk shall immediately file a certified copy of this resolution with the county zoning agency and the county clerk.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 60.22: Plan commission ordinance

The following statutes affect this form: s. 60.22, Wis. stats.

*The University of Wisconsin-Extension, Local Government Center has developed a Town Plan Commission Sample*

## WISCONSIN TOWN LAW FORMS

*Ordinance. Electronic copies of the sample ordinance may be downloaded from the UW-Extension website at the following address:*

<https://localgovernment.extension.wisc.edu/files/2019/11/tpcord.pdf>

### **60.23 (33): Comprehensive planning—Department of Administration guides and information**

The following statutes affect this form: ss. 60.23 (33) and 66.1001, Wis. stats.

***Note:** The State of Wisconsin, Department of Administration makes a variety of information related to comprehensive planning, including model ordinances and planning guides, available at its website at the following address:*

<https://doa.wi.gov/Pages/LocalGovtsGrants/Comprehensive-Planning.aspx>

### **60.23 (33): Resolution by plan commission to recommend adoption of comprehensive plan**

The following statutes affect this form: ss. 60.23 (33) and 66.1001 (4) (b), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Plan Commission of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town plan commission on a roll call vote with a quorum present and voting and proper notice having been given, resolves and recommends to the Town Board of the Town of \_\_\_\_\_ as follows:

*[Choose one of the alternatives below.]*

(Alternative 1) Adoption of the Town of \_\_\_\_\_ Comprehensive Plan.

(Alternative 2) Amendment of the Town of \_\_\_\_\_ Comprehensive Plan.

The Plan Commission of the Town of \_\_\_\_\_, by this resolution, further resolves and orders as follows:

All maps and other materials noted and attached as exhibits to the Town of \_\_\_\_\_ Comprehensive Plan are incorporated into and made a part of the Town of \_\_\_\_\_ Comprehensive Plan.

The vote of the town plan commission in regard to this resolution shall be recorded by the clerk of the town plan commission in the official minutes of the Plan Commission of the Town of \_\_\_\_\_.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of plan commission members]*

Attest: *[Signature of plan commission clerk]*

### **60.23 (33): Public hearing on proposed town comprehensive plan; resolution and notice**

The following statutes affect this form: ss. 60.23 (33) and 66.1001 (4) (d), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of

## WISCONSIN TOWN LAW FORMS

the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

A public hearing to discuss the proposed Town of \_\_\_\_\_ Comprehensive Plan and the adoption of an ordinance to adopt the comprehensive plan shall be held as provided in accordance with the following Notice of Hearing, which the town clerk shall publish by a class 1 notice under ch. 985, Wis. stats.:

### NOTICE OF HEARING – TOWN OF \_\_\_\_\_ COMPREHENSIVE PLAN

- A. A public hearing to discuss the proposed Town of \_\_\_\_\_ Comprehensive Plan and the adoption of an ordinance to adopt the comprehensive plan shall be held at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_.m.\*
- B. The proposed [comprehensive plan *or* amendment to the comprehensive plan] in summary contains the following items: *[insert summary]*.
- C. \_\_\_\_\_, an employee of the Town of \_\_\_\_\_, may be contacted to provide additional information on the proposed comprehensive plan and ordinance at \_\_\_\_\_ *[insert telephone number, mailing address, and e-mail address]* on the following dates and during the following times: *[insert times and dates]*.
- D. A copy of the [comprehensive plan *or* amendment to the comprehensive plan] may be inspected prior to the hearing at \_\_\_\_\_ on the following dates and during the following times: *[insert times and dates]*.
- E. A copy of the proposed [comprehensive plan *or* amendment to the comprehensive plan] may be obtained by contacting \_\_\_\_\_ at \_\_\_\_\_ on the following dates and during the following times: *[insert times and dates]*.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of plan commission members]*

Attest: *[Signature of plan commission clerk]*

**\*Note:** Under s. 66.1001 (4) (d), Wis. stats., the hearing must be preceded by a class 1 notice under ch. 985, Wis. stats., that is published at least 30 days before the hearing is held.

### 60.23 (33): Ordinance to adopt comprehensive plan

The following statutes affect this form: ss. 60.23 (33) and 66.1001, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Comprehensive Plan Ordinance. The purpose of this ordinance is for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, to lawfully adopt a comprehensive plan as required under s. 66.1001 (4) (c), Wis. stats.

### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has authority under its village powers under s. 60.22, Wis. stats., to appoint a town plan commission under ss. 60.62 (4) and 62.23 (1), Wis. stats., and under s. 66.1001 (4), Wis. stats., to adopt this ordinance. The comprehensive plan of the Town of \_\_\_\_\_ must be in compliance with s. 66.1001 (4) (c), Wis. stats., in order for the town board to adopt this ordinance.

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper

## WISCONSIN TOWN LAW FORMS

notice having been given, provides for the adoption by the town of a comprehensive plan under s. 66.1001 (4), Wis. stats.

### SECTION IV – PUBLIC PARTICIPATION

The town board has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by s. 66.1001 (4) (a), Wis. stats.

### SECTION V – TOWN PLAN COMMISSION RECOMMENDATION

The Plan Commission of the Town of \_\_\_\_\_, by a majority vote of the entire commission, recorded in its official minutes, has adopted a resolution recommending to the town board the adoption of the Town of \_\_\_\_\_ Comprehensive Plan, which contains all of the elements specified in s. 66.1001 (2), Wis. stats.

### SECTION VI – PUBLIC HEARING

The Town of \_\_\_\_\_ has held at least one public hearing on this ordinance, with notice in compliance with the requirements of s. 66.1001 (4) (d), Wis. stats.

### SECTION VII – ADOPTION OF TOWN COMPREHENSIVE PLAN

The town board, by the enactment of this ordinance, formally adopts the document entitled Town of \_\_\_\_\_ Comprehensive Plan Ordinance under s. 66.1001 (4) (c), Wis. stats.

### SECTION VIII – SEVERABILITY

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

### SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats. and a copy of the ordinance and the comprehensive plan, shall be filed with at least all of the entities specified under s. 66.1001 (4) (b), Wis. stats..

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **60.62 (1): Plan commission member appointments**

The following statutes affect this form: ss. 60.62 (1) and (4) and 62.23 (1) (a), Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, the chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, as the appointing authority under [select one 1. ss. 60.62 (1) and 62.23 (1), Wis. stats., or 2. s. 60.62 (4) (a), Wis. stats.], for members of the town plan commission, hereby appoint \_\_\_\_\_ [select one 1. as a citizen member of the town plan commission who is not a town official or 2. as a member of the town plan commission who is a town official\*], for the term of office of 3 years, to commence on April \_\_\_, 20\_\_\_, and to expire on April \_\_\_, 20\_\_\_.\*\*



## WISCONSIN TOWN LAW FORMS

Dated this \_\_\_\_\_ day of April, 20\_\_.

[Signature of town chairperson]

The above appointments to the town plan commission are hereby approved and confirmed.

[Signatures of town board]

**\*Note:** Under ss. [60.62 \(1\)](#) and [62.23 \(1\)](#), Wis. stats., the town board may by ordinance create a town plan commission, to consist of 7 members, except that under s. [60.62 \(4\) \(a\)](#), Wis. stats., if the town has a population of less than 2,500, the town plan commission may consist of 5 members. All members of the commission are appointed by the town board chairperson, subject to confirmation by the town board. The town board chairperson also selects the presiding officer of the commission. The town board chairperson may appoint town elected or appointed officials, including town board members, except that a 7-person commission must always have at least 3 citizen members who are not town officials, and a 5-person commission must always have at least one citizen member who is not a town official.

**\*\*Note:** Under s. [62.23 \(1\) \(d\)](#), Wis. stats., the members of the commission are appointed to hold office for a period of 3 years. Appointments are made during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

### 61.35: Adopting official map; resolution

The following statutes affect this form: ss. [61.35](#) and [62.23 \(6\)](#), Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. [60.22](#), Wis. stats.)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

To conserve and promote the public health, safety, convenience, or general welfare, pursuant to ss. [61.35](#) and [62.23 \(6\)](#), Wis. stats., the town establishes an official map of the town, labeled as the Official Map of the Town of \_\_\_\_\_ and dated of even date with this resolution, which shows all of the following:

1. Highways, historic districts, parkways, parks, and playgrounds laid out, adopted, and established by law.
2. (Optional) The location of railroad rights-of-way, waterways, and public transit facilities.
3. (Optional) Waterways included in the comprehensive surface water drainage plan.

The town clerk shall keep the official map at the town hall as an official record of the town.

The town clerk shall at once record with the register of deeds of \_\_\_\_\_ County [the county or counties in which the town is situated] a certificate showing that the Town has established an official map.

The town clerk shall properly post or publish this resolution as required under s. [60.80](#), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

## WISCONSIN TOWN LAW FORMS

### 61.35: Certificate of adoption of official map

The following statutes affect this form: ss. 61.35 and 62.23 (6), Wis. stats.

(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certify that at the regular meeting of the Town Board of the Town of \_\_\_\_\_, held on \_\_\_\_\_, 20\_\_, the town board, by resolution adopted on proper notice with a quorum and by a roll call vote of a majority of the town board present and voting, established an official town map for the Town of \_\_\_\_\_, which is on file at the Town Hall for the town.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature and seal of town clerk]

### Town Name

#### 60.065: Petition for change of town name

The following statutes affect this form: s. 60.065, Wis. stats.

#### PETITION

To \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

We, the undersigned, electors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, pursuant to s. 60.065, Wis. stats., petition that the attached resolution [*attach resolution that the name of the town be changed and stating the proposed new name*] be referred to a vote of the electors of the town for the purpose of determining whether the name of the Town of \_\_\_\_\_ shall be changed to the "Town of \_\_\_\_\_."

Signature	Street Address	Municipality for Voting	Date

In the event of any impropriety or insufficiency in this petition or the attached resolution, contact \_\_\_\_\_, whose mailing address is \_\_\_\_\_, \_\_\_\_\_ and telephone number is (\_\_\_\_) \_\_\_\_-\_\_\_\_.

#### AFFIDAVIT

STATE OF WISCONSIN

\_\_\_\_\_ County

\_\_\_\_\_, of \_\_\_\_\_ [insert address of residence with street and number], being duly sworn, says that I personally circulated the petition and personally obtained each of the signatures; that I know that the signers are electors of the jurisdiction or district in which the petition is circulated; that I know that the signers signed the paper with full knowledge of its content; that I know the signers' respective residences given; that I know that each signer signed on the date stated opposite his or her name; that I reside within the jurisdiction or district in which the petition

## WISCONSIN TOWN LAW FORMS

is circulated; and that I am aware that falsifying the affidavit is punishable under ss. [12.13 \(3\) \(a\)](#) and [946.32 \(1\) \(a\)](#), Wis. stats.

[Signature of affiant]

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of officer administering oath]

### **60.065: Certificate of sufficiency of petition for change of town name**

The following statutes affect this form: s. [60.065](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certify that I have carefully examined the attached petition [*attach this certificate to petition upon execution by town clerk*] to determine the sufficiency of the petition and whether the attached proposed resolution is in proper form. Upon this examination I have determined that: [*select one* 1. The petition is sufficient and the resolution is in proper form. *or* 2. The petition is insufficient due to \_\_\_\_\_. *or* 3. That the resolution is not proper in form due to \_\_\_\_\_. *Or both 2 and 3. State the particulars of any insufficiency or impropriety*].

In witness whereof I have hereunto set my hand this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

## **Town Powers**

### **29.038: Public nuisance ordinance**

The following statutes affect this form: ss. [29.038](#), [66.0407](#), [66.0413](#), [125.14](#), [169.01](#), and [175.25](#) and ch. [823](#), Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. [60.22](#).)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of \_\_\_\_\_ Public Nuisance Ordinance. The purpose of this ordinance is to regulate for public health and safety reasons public nuisances and certain uses and activities in the town.

#### **SECTION II – AUTHORITY**

The town board has the specific authority under ss. [29.038](#), [66.0407](#), [66.0413](#), [125.14](#), [169.01](#), and [175.25](#), and ch. [823](#), Wis. stats., and general authority under its village powers under s. [60.22](#), Wis. stats., to adopt this ordinance.

## WISCONSIN TOWN LAW FORMS

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the storage, treatment, disposal, and discharge of certain junk and of other items, uses, and activities in the town.

### SECTION IV – DEFINITIONS

- A. “Agricultural use” means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint, and seed crops, raising of fruits, nuts, and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under [16 USC 3831 to 3835](#), participating in the milk production termination program under [7 USC 1446](#) (d), and vegetable raising.
- B. “Appliance” means any household or office device, instrument, utensil, apparatus, or machine that utilizes power, including, but not limited to, any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.
- C. “Building” includes any building or structure or any portion of a building or structure.
- D. “Debris” means any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, or create a public nuisance or a public safety or health hazard, except when such items are determined by the town board or town committee or other agent of the town to be stored or housed out of public view and are treated and maintained so as not to be a public nuisance.
- E. “Equipment” means goods used or bought for use primarily in a business, including farming and a profession.
- F. “Hazardous waste” means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under s. [291.05 \(2\)](#), Wis. stats.
- G. “Junk” means scrap metal, metal alloy, wood, concrete, or synthetic or organic material or any junked, inoperative, unlicensed, or unregistered vehicle, structure, equipment, furniture, appliances, or machinery, or any part thereof. “Junk” includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.
- H. “Junked” means dismantled for parts or scrapped.
- I. “Junked vehicle parts” means parts from a junked vehicle.
- J. “Junkyard” means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk. “Junkyard” includes sanitary landfills, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and places for temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. “Junkyard” does not include places where litter, trash, and other debris are scattered along or upon a highway or temporary operations and outdoor storage of limited duration.
- K. “Local zoning and land use regulation” means any applicable county, town, or extraterritorial zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.
- L. “Machinery” means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical, or chemical means. “Machinery” does not include a building.
- M. “Motor vehicle dealer” has the meaning given in s. [218.0101 \(23\)](#), Wis. stats.
- N. “Motor vehicle salvage dealer” has the meaning given in s. [218.20 \(1r\)](#), Wis. stats.
- O. “Not registered,” in reference to “all-terrain vehicles” as defined in s. [340.01 \(2g\)](#), Wis. stats., “snowmobiles” as defined in s. [340.01 \(58a\)](#), Wis. stats., or “boats” as defined in s. [29.001 \(16\)](#), Wis. stats., means those that are required to, but do not have nor bear, required current and valid State of Wisconsin licenses or registrations.

## WISCONSIN TOWN LAW FORMS

- P. "Public nuisance" means a thing, act, occupation, condition, or use of property that continues in the town for such time as to do any of the following:
1. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.
  2. In any way render the public insecure in life or in the use of property.
  3. Greatly offend the public morals or decency.
  4. Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, or the use of public property.
- Q. "Recyclable material" means material that is suitable for recycling.
- R. "Scrap metal processor" means a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.
- S. "Solid waste" means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste and other organics, boxes, barrels and other containers, tires and other like materials, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and any other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, agricultural, and community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under ch. 283, Wis. stats., source material as defined in s. 254.31 (1), Wis. stats., special nuclear material as defined in s. 254.31 (11), Wis. stats., or by-product material as defined in s. 254.31 (1), Wis. stats.
- T. "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing, treatment, and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:
1. A facility for the processing of scrap iron, steel, or nonferrous metal using machinery to produce a principal product of scrap metal for sale or use for remelting purposes.
  2. A facility that uses machinery to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
  3. An auto junkyard or scrap metal salvage yard.
- U. "Town" means the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- V. "Town board" means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board, specifically including the town clerk and town chair.
- W. "Town chair" means the chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- X. "Town clerk" means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- Y. "Town committee" means a committee established by the town board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the town.
- Z. "Unlicensed" or "unregistered" in reference to vehicles, mobile homes, or manufactured homes means those that are required to be licensed or registered for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.
- ZA. "Vehicle" means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:
1. "Aircraft" as defined in s. 29.001 (16), Wis. stats.
  2. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.
  3. "Antique vehicles" as described in s. 341.265, Wis. stats.
  4. "Automobiles" as defined in s. 340.01 (4), Wis. stats.
  5. "Boats" as defined in s. 29.001 (16), Wis. stats.
  6. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
  7. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
  8. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
  9. "Hobbyist or homemade vehicles" as defined in s. 341.268, Wis. stats.
  10. "Junk vehicles" as defined in s. 340.01 (25j), Wis. stats.

## WISCONSIN TOWN LAW FORMS

11. “Implements of husbandry” as defined in s. 340.01 (24), Wis. stats.
  12. “Manufactured homes” as defined in s. 101.91 (2), Wis. stats.
  13. “Mobile homes” as defined in s. 340.01 (29), Wis. stats.
  14. “Mopeds” as defined in s. 340.01 (29m), Wis. stats.
  15. “Motor bicycles” as defined in s. 340.01 (30), Wis. stats.
  16. “Motor buses” as defined in s. 340.01 (31), Wis. stats.
  17. “Motor homes” as defined in s. 340.01 (33m), Wis. stats.
  18. “Motor trucks” as defined in s. 340.01 (34), Wis. stats.
  19. “Motorcycles” as defined in s. 340.01 (32), Wis. stats.
  20. “Railroad trains” as defined in s. 340.01 (48), Wis. stats.
  21. “Recreational vehicles” as defined in s. 340.01 (48r), Wis. stats.
  22. “Road machinery” as defined in s. 340.01 (52), Wis. stats.
  23. “Road tractors” as defined in s. 340.01 (53), Wis. stats.
  24. “Salvage vehicles” as defined in s. 340.01 (55g), Wis. stats.
  25. “School buses” as defined in s. 340.01 (56), Wis. stats.
  26. “Semi trailers” as defined in s. 340.01 (57), Wis. stats.
  27. “Snowmobiles” as defined in s. 340.01 (58), Wis. stats.
  28. “Special interest vehicles” as defined in s. 341.266, Wis. stats.
  29. “Trailers” as defined in s. 340.01 (71), Wis. stats.
  30. “Truck tractors” as defined in s. 340.01 (73), Wis. stats.
  31. Unlicensed demolition vehicles and unlicensed racing vehicles.
  32. Golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles that require no registration or licensure by the State of Wisconsin.
- ZB. “Wild animal” means any animal of a wild nature that is normally found in the wild and that is not a farm-raised deer, a pet bird, a farm-raised game bird, or an animal that is listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection.
- ZC. “Wis. stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – PUBLIC HEALTH OR SAFETY

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the town board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred, or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance:

- A. **Noxious weed areas.** Any place in the town where noxious weeds are over one foot high, are located on private or public land, and the noxious weeds are not timely cut or removed within \_\_\_\_\_ [state time limit] after posting or publication of a notice to destroy noxious weeds under s. 66.0407, Wis. stats., or within \_\_\_\_\_ [state time limit] after receipt of written notice to remove from the town board.
- B. **Unburied animal carcass areas.** Any place in the town where unburied animal carcasses are located on private or public land and the animal carcasses are not timely removed or discarded, including by timely burial in a sanitary manner, within \_\_\_\_\_ [state time limit] after receipt of written notice to remove from the town board. This paragraph does not apply to any animal or pet cemetery approved in writing by the town.



## WISCONSIN TOWN LAW FORMS

- C. **Noxious or polluted or waste areas.** Any place in the town where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land, including town roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the town, and those conditions are not timely removed within \_\_\_\_\_ [state time limit] after receipt of written notice from the town board.
- D. **Noxious emission odor areas.** Any place in the town where noxious odor, stench, or gas escapes or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within \_\_\_\_\_ [state time limit] after receipt of written notice to remove from the town board. In this subsection, “noxious odor” means an odor that is extremely repulsive to the senses of ordinary persons in the town and that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the town board.
- E. **Rat or vermin areas.** Any place in the town where rats or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within \_\_\_\_\_ [state time limit] after receipt of written notice to remove from the town board. Vermin subject to this paragraph include, but are not limited to, all of the following:
1. Rats.
  2. [continue list].
- F. **Unauthorized human burial areas.** Any place in the town where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the town without written approval of the town board and are not timely removed within \_\_\_\_\_ [state time limit] after receipt of written notice to remove from the town board. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with ch. 157, Wis. stats.
- G. **Hazardous, toxic, or solid waste facility or site areas.** Any place or solid waste facility in the town where the discharge, disposal, storage, or treatment of hazardous, toxic, or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage, or treatment by all proper federal, state, county, and town governing authorities and full compliance with all applicable laws, rules, regulations, or ordinances of the federal, state, county, or town, and the activity or condition is not timely removed or discontinued within \_\_\_\_\_ [state time limit] after receipt of written notice to remove from the town board. To constitute a public nuisance under this paragraph, an area, facility, or site must threaten or cause serious discomfort or serious injury to the health or cause serious inconvenience to the health or safety of a significant number of persons within the town, as determined by the town board.
- H. **Dangerous wild animal areas.** Any place in the town where live dangerous wild animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the town board and the animals are not removed or destroyed within \_\_\_\_\_ [state time limit] after receipt of written notice to remove from the town board unless written approval of the town board is obtained within said time. To constitute a dangerous wild animal, under this paragraph, the species of animal must pose a threat to the safety of persons within the town, including a keeper of the animal, as determined by the town board. It is not necessary that the town board find that a specific animal is dangerous in order to find a nuisance under this paragraph. For purposes of this ordinance, dangerous wild animals include, but are not limited to, all of the following species of animals: [list]\*.
- J. **Dangerous or dilapidated building areas.** Any place in the town where a building or structure, the contents of a building or structure, or any associated electrical, heat, water, or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and the conditions that are dangerous, unsafe, unsanitary, or otherwise render the building unfit for human habitation are not timely removed or discontinued within \_\_\_\_\_ [state time limit] of receipt of written notice to remove from the town board.
- K. **Dangerous tree areas.** Any place in the town where any trees or tree limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions have not been timely removed within \_\_\_\_\_ [state time limit] after receipt of written notice to remove from the town board.
- L. **Fire hazard areas.** Any place in the town where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within \_\_\_\_\_ [state time limit] after receipt of written notice from the town board.
- M. **Improper encroachment or discharge areas.** Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any town roadway or on other town public lands without written permission from the town



## WISCONSIN TOWN LAW FORMS

board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within \_\_\_\_\_ [state time limit] of the receipt of written notice to remove from the town board.

- N. **Junked vehicle and junked part areas.** Any place in the town within 500 feet of the center line of any town highway in the town, or within 750 feet of the center line of any county trunk, state trunk, or federal highway where junked vehicles or junked vehicle parts are accumulated or stored or any place in the town where junked vehicles or junked vehicle parts are accumulated or stored outside of a building for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, without obtaining a Junked Vehicle Permit from the town in accordance with the Town Junked Vehicle Ordinance adopted under s. 175.25, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., except when exempt under the terms of the Town Junked Vehicle Ordinance. \*\*
- O. **Junkyard and junked vehicle, appliance, and machinery areas.** Any place in the town where junked or abandoned vehicles, not otherwise subject to subsections N or P, or junked or abandoned appliances, equipment, or machinery are accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, and any place otherwise within the definition of junkyard under this ordinance that is not timely removed or discontinued within \_\_\_\_\_ [state time limit] of receipt of written notice to remove from the town board, unless exempt under Section X of this ordinance.
- P. **Unlicensed or unregistered vehicle area.** Any place in the town where for a period exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building without the written permission of the town board and is not timely removed or discontinued within \_\_\_\_\_ [state time limit] of receipt of written notice to remove from the town board, unless exempt under Section X of this ordinance.

### SECTION VII – PUBLIC PEACE AND ORDER

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause potential danger, disturbance, or injury to the public peace and order. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the town board to the owner or occupant of the land where the public nuisance occurred or is maintained in the town, or to any persons responsible for the creation, maintenance, or permitting of such nuisance in the town, are specifically declared to be a public nuisance:

- A. **Loud noise areas.** Any place in the town where any unreasonably loud, discordant, and unnecessary sound conditions, including sounds from vehicles, equipment, machinery, guns, fireworks, or enclosed domestic or other animals, or from any human-created or -aided sounds, including alleged music, is located on private or public land without written approval of the town board and is not timely removed or discontinued within \_\_\_\_\_ [state time limit] of the written receipt of notice to remove from the town board.
- B. **Disorderly conduct area.** Any place in the town where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting, or other unpermitted disorderly conduct conditions, are located or occur on private or public lands and these disorderly conditions are not timely removed or discontinued within \_\_\_\_\_ [state time limit] of receipt of written notice to remove from the town board.

### SECTION VIII – PUBLIC MORALS OR DECENCY

No person may create, continue, erect, maintain, cause, continue, install, construct, or permit to exist in the town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to public morals or decency. The following acts, uses, activities, things, occupations, places, or physical conditions not properly and timely removed by the owner or occupant of the land after written notice to remove from the town board to the owner or occupant of the land where the public nuisance occurs, or to any person responsible for the creation, maintenance, or permitting of such nuisance in the town, are specifically declared to be a public nuisance as follows:

- A. **Bawdyhouses.** Pursuant to s. 823.09, Wis. stats., whoever erects, establishes, continues, maintains, uses, occupies, or leases any building or part of a building, erection, or place to be used for the purpose of lewdness, assignation, or prostitution, or permits the same to be so used, in the town, is guilty of a nuisance and the building, erection, or place in or upon which such lewdness, assignation, or prostitution is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and contents used therewith for the same purpose, are declared a nuisance, and shall be enjoined and abated.

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- B. **Illegal drug houses.** Pursuant to s. 823.113 (1), Wis. stats., any building or structure that is used to facilitate the delivery, distribution, or manufacture, as defined in s. 961.01 (6), (9), and (13), Wis. stats., respectively, of a controlled substance as defined in s. 961.01 (4), Wis. stats., or a controlled substance analog as defined in s. 961.01 (4m), Wis. stats., and any building or structure where those acts take place, is a public nuisance and may be proceeded against under s. 823.113, Wis. stats.
- C. **Criminal gang houses.** Pursuant to s. 823.113 (1), Wis. stats., any building or structure that is used as a meeting place of a criminal gang, as defined in s. 939.22 (9), Wis. stats., or that is used to facilitate the activities of a criminal gang, is a public nuisance and may be proceeded against under s. 823.113, Wis. stats.
- D. **Gambling houses.** Pursuant to s. 823.20, Wis. stats., any gambling place, as defined in s. 945.01 (4) (a), Wis. stats., is a public nuisance and may be proceeded against under ch. 823, Wis. stats.
- E. **Illegal alcohol houses.** Pursuant to s. 125.14 (5), Wis. stats., any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under ch. 125 or 139, Wis. stats., or where persons are permitted to drink alcohol beverages in violation of ch. 125, Wis. stats., is a public nuisance and may be closed until the activity in violation of ch. 125, Wis. stats., is abated. When the activity is abated, the building or place may be used for any lawful purpose.

### SECTION IX – ABANDONED VEHICLES, MACHINERY, EQUIPMENT, AND APPLIANCES ON PUBLIC LANDS

No person shall leave unattended or stored any vehicle, regardless of the vehicle's physical condition, registration, or license held, any appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or other public property in the town, including the road right-of-way, for such time and under such circumstances as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any vehicle, machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, road, highway, or other public property, including a road right-of-way, within the town for a period of more than 72 hours, the vehicle, structure, machinery, appliances, or equipment is presumed by the town to be abandoned and a public nuisance and may be removed in accordance with s. 342.40, Wis. stats., and the owner of the vehicle is subject to the imposition of forfeitures under Section XIII of this ordinance. This section does not apply to a railroad train stopped at a railway crossing as defined in s. 340.01 (47), Wis. stats.

### SECTION X – EXEMPTIONS AND PERMITS

- A. **Exemptions.** 1. Any storage of junked vehicles or junked vehicle parts on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the storage of the vehicles or parts have been issued a permit and met the Junked Vehicle Permit requirements established by the town board in the Town Junked Vehicle Ordinance adopted under s. 175.25, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., is exempt from the provisions of Section VI, subsection N, applicable to storage of junked vehicles and junked vehicle parts. The exemption granted under this paragraph is strictly limited to the extent allowed by the permit. \*\*
- 2. Any operation of a junkyard on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the operation of the junkyard have obtained all the proper and necessary federal, state, county, town, and extraterritorial municipal approvals, permits, or licenses for the operation or have obtained licenses for operation of a junkyard on that privately owned premise under s. 84.31, Wis. stats., is exempt from the provisions of Section VI, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the approvals, permits, or licenses.
- 3. Any commercial motor vehicle salvage or motor vehicle retail sales business on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current motor vehicle salvage dealer license under s. 218.205, Wis. stats., authorizing storage uses, operations, and activities at property locations in the town or hold a current motor vehicle dealer license under s. 218.0114, Wis. stats., for salvage, sale, or storage operation and activities at a property location in the town, and are actively engaged in the town, as determined in writing by the town board, in the commercial motor vehicle salvage or motor vehicle retail sales business on property

in the town is exempt from the provisions of Section VI, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.

4. Any business engaged in the retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on private lands in the town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current and valid manufactured home dealers license under s. 101.951, Wis. stats., or a current and valid recreational vehicle dealers license under s. 218.12, Wis. stats., issued by the State of Wisconsin, and are actively engaged in the town, as determined in writing by the town board, in the business of commercial retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on property in the town is exempt from Section VI, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.
5. Any parking, storage, or other keeping outside of buildings in the town of \_\_\_\_\_ [insert maximum number not requiring permit] or fewer unlicensed or unregistered vehicles or \_\_\_\_\_ [insert maximum number not requiring permit] or fewer boats, snowmobiles, or all-terrain vehicles, not registered with the State of Wisconsin, on private lands owned or leased by the owner or leaseholder of the vehicles that is in conformity with local zoning and land use regulation, even if the vehicles are not stored for purposes of sale or repair, is exempt from the provisions of Section VI, subsection P, relating to the keeping and storage of unlicensed or unregistered vehicles.
6. Any parking, storage, or other keeping of any agricultural use vehicles in the open on private lands in the town that is in conformity with local zoning and land use regulation by the owner or leaseholder of the land, if the vehicles are and can be used by the owner or leaseholder, without repair, for normal agricultural use in the town is exempt from the provisions of Section VI, subsection O, applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. Notwithstanding anything contained in this paragraph, storage of inoperable junk or other unrepaired agricultural use vehicles on private property of any person for more than \_\_\_\_\_ [state time limit] in the open shall be deemed a violation of Section VI, subsection O, unless the storage is at a commercial implement repair location where the equipment or implements can and will be timely repaired and removed from the premise.

- B. Permits.** 1. Upon proper and timely application by an owner or occupant of the premises in the town to the town clerk for a permit, and after a public hearing held by the town board, the town board may permit on public or private lands in the town, with or without conditions and restrictions, any of the following:
- a. The storage in the open on private premises of vehicles, structures, machinery, appliances, or equipment in the town that are subject to Section VI.
  - b. The maintenance of buildings, structures, or dwellings in the town that are subject to Section VI.
  - c. The storage, disposal, treatment, or discharge of items, waste, and materials in the town that are subject to Section VI.
2. A permit under this subsection B may be issued by the town board regardless of the ownership or possession rights to the vehicles, implements, machinery, structures, equipment, appliances, buildings, structures, dwellings, items, waste, or materials to be stored, maintained, disposed, treated, or discharged.
  3. The applicant shall be notified of the public hearing required under paragraph 1 at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the applicant noted on the application.
  4. The permit shall be for a specific location, may be established for a term of months or years, and may be reissued upon application by the permit holder if the permit holder is in full compliance with this ordinance and with the permit conditions and restrictions as issued.
  5. The conditions and restrictions, if any, in the permit established by the town board for any permitted storage, maintenance, disposal, treatment, or discharge shall be reasonable restrictions and conditions to protect the public health, safety, and welfare of persons within the town and to limit or negate potential public nuisances caused by the permitted storage, maintenance, disposal, treatment, or discharge. The conditions and restrictions shall be stated in writing and attached to the written permit upon issuance by the town board.
  6. The owner or occupant of the permitted premises is responsible for compliance with the conditions and

## WISCONSIN TOWN LAW FORMS

restrictions in the permit issued regardless of whether the owner or occupant of the premises has any legal or equitable interest in the vehicles, structures, machinery, appliances, or equipment subject to the permit.

### SECTION XI – ABATEMENT OF PUBLIC NUISANCES/PERMIT REVOCATION

- A. Inspection of Premises.** 1. Whenever a complaint is made to the town board, town clerk, town chair, or any appropriate town committee or agent that a public nuisance under this ordinance or a violation of a permit issued under this ordinance exists within the town, the town chair, town committee, or other agents of the town board shall promptly inspect or cause to be inspected the premises complained of and shall make a written report of its findings to the town board, which report shall thereafter be filed with the town clerk and kept of record in the office of the town clerk. Whenever practicable, the town chair, town committee, or other agents of the town board shall cause photographs to be made of the premises for inclusion in the written report to the town board.
2. If the person subject to complaint holds a current permit under this ordinance, or any Town Building Permit or Junked Vehicle Permit issued under s. 175.25, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., the town chair, the town committee or other agents of the town board may immediately request the town board to hold a public hearing to consider suspension or revocation of the permit for refusal to comply with the permit conditions and this ordinance. The town board shall hold a public hearing prior to taking any action to revoke or suspend a permit. The permit holder shall be notified of the public hearing at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the permit holder noted on the permit or permit application.
3. The town board may, in the alternative to revocation, suspend any issued permit for a period up to 6 months. Any revocation shall be for a period in excess of 6 months and no reapplication can be received or acted upon by the town board for the premises or for the owner or occupant of the premises for any activity, use, or item prohibited by or requiring a permit under this ordinance during the revocation period.
4. For any decision regarding the revocation or suspension of any permit, the town board shall determine and state the reason or reasons for any revocation, nonrevocation, or suspension of the permit based on the lack of compliance with the permit conditions and this ordinance by the permit holder or by any employees or agents of the permit holder. The reason or reasons for the decision shall be stated in writing and sent to the permit holder within 10 days after the decision by the town board by mailing by U.S. mail of a First Class letter to the last known address of the permit holder noted on the permit or permit application.
- B. Owner of Premises Responsibility.** Any owner or occupant of land in the town is responsible for compliance with this ordinance on the owner's or occupant's land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this ordinance.
- C. Summary Abatement.** 1. *Notice to Owner.* If the town chair, town committee, or other agents of the town board determine, by written notice to the town board, that a public nuisance exists under this ordinance within the town on private or public land and that there is great, immediate, and substantial danger or threat to the public health or safety, the town board, town chair, town committee, or other agents of the town board shall serve a written order upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises or the person who is causing, permitting, or maintaining the public nuisance, and one copy of the notice shall be served by mailing by U.S. mail of a First Class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the public nuisance is so timely abated, the town may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.
2. *Abatement by town.* If the public nuisance is not abated within the time provided in the notice under paragraph 1 or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the town chair, the town committee, or other agents of the town board, with approval of the town board, shall cause the abatement or removal of the public nuisance by immediately seeking for the town a court order that allows for the immediate enjoinder and abatement of the public nuisance.

## WISCONSIN TOWN LAW FORMS

- D. **Abatement By Court Action.** If the town board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the town board shall file a written report or its resolution of its findings with the town clerk who shall, after approval and filing of the report or resolution by the town board, take one or more of the following actions, as directed by the town board:
1. Issue and serve a written order to cease and desist the public nuisance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
  2. Issue and serve a citation for violation of this ordinance upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
  3. Cause the town attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this ordinance or the conditions of any permit as issued or have drafted by the town attorney to be filed and served a formal complaint for abatement of the public nuisance under ch. 823, Wis. stats.
- E. **Other Methods Not Excluded.** Nothing in this ordinance may be construed as prohibiting the injunction and abatement of public nuisances against any person, including against a permit holder that holds a current and valid permit issued by the town under this ordinance, by the town or its officials in accordance with the laws of the State of Wisconsin or this ordinance.

### SECTION XII – COSTS OF ABATEMENT OR DISPOSAL

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this ordinance, the cost of abatement of any public nuisance by the town may be collected under this ordinance or s. 823.06, Wis. stats., as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the town to enjoin or abate the public nuisance as a special charge under s. 66.0627, Wis. stats., unless paid earlier. If any vehicle, structure, equipment, implement, or appliance is abandoned or remains unclaimed in violation of this ordinance, the town board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under s. 66.0139, Wis. stats., by public auction or other means as determined in writing by the town board.

### SECTION XIII – ENFORCEMENT PROVISIONS

- A. **Penalties.** 1. *1st Offense.* Any person who violates this ordinance shall, upon conviction, forfeit not less than \$20 nor more than \$500 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 the forfeiture and costs are paid, but not exceeding 90 days.
2. *Second and Subsequent Offenses; Penalty.* Any person guilty of violating this ordinance or any person who has previously been convicted of a violation of this ordinance shall, upon conviction, forfeit not less than \$100 nor more than \$1,000 for each offense, 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 the forfeiture and costs of prosecution are paid, but not exceeding 6 months.
- B. **Separate Violations.** Each day of violation of this ordinance constitutes a separate offense.

### SECTION XIV – SEVERABILITY

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

### SECTION XV – EFFECTIVE DATE

This ordinance is effective on publication or posting.



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The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*\*Note: Towns may wish to adopt 169.43: Harmful and exotic wild animal ordinance as an alternative to this provision regarding exotic animals.*

*\*\*Note: This form is complementary to 175.25: Junked vehicle ordinance, and it is suggested that towns adopt both.*

### 60.23 (10): Amusement center license ordinance

The following statutes affect this form: s. 60.23 (10), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of \_\_\_\_\_ Amusement Center License ordinance. The purpose of this ordinance is for the Town of \_\_\_\_\_ to regulate by license and penalty the installation and maintenance of certain amusement devices in the Town of \_\_\_\_\_.

#### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 60.23 (10), Wis. stats., to adopt this ordinance.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation, and permits the construction or installation, of certain amusement devices in the Town of \_\_\_\_\_.

#### SECTION IV – COVERAGE

No person in the Town of \_\_\_\_\_ shall maintain billiards tables, pool tables, bowling alleys, or other amusement devices, including pinball machines and video games, on commercial premises or facilities in the Town of \_\_\_\_\_ without obtaining an amusement center license from the Town of \_\_\_\_\_. The application fees shall be established annually on resolution by the Town Board of the Town of \_\_\_\_\_ prior to \_\_\_\_\_. The license shall be issued from July 1 of the year of issuance to June 30 of the next year. The license shall be issued by the town clerk of the Town of \_\_\_\_\_ prior to the amusement devices being used and operated by any person on commercial premises in the Town of \_\_\_\_\_ or prior to the amusement devices being used or operated for commercial or business purposes at any other premises in the Town of \_\_\_\_\_.

#### SECTION V – APPLICATION/LICENSE

The application for amusement center license and the amusement center license shall designate the commercial premises or facilities where the amusement devices are located. The amusement center license may be amended without charge if the licensee changes premises in the Town of \_\_\_\_\_. However, the amusement center license is not transferable from one person to another. The application shall include all of the following:

A. The name of the applicant.

## WISCONSIN TOWN LAW FORMS

- B. The address of the applicant.
- C. The residential and business telephone number of the applicant, if any.
- D. The age of the applicant.
- E. The name and address of the owner of the amusement devices, if different from the applicant.
- F. The type and number of amusement devices.

### SECTION VI – EXEMPTIONS

The following uses, activities, or locations are exempt from this licensing requirement:

- A. Commercial premises or facilities with less than \_\_\_\_ amusement devices located on the premises or facilities.
- B. Gambling or gaming devices that are illegal to operate in Wisconsin.

### SECTION VII – SPECIFIC ORDINANCE/LICENSE PROVISIONS

- A. The person subject to this ordinance shall comply with s. 60.23, Wis. stats., and this ordinance.
- B. No person may be issued or reissued an amusement center license in the Town of \_\_\_\_\_ until the appropriate fee has been paid to the town clerk of the Town of \_\_\_\_\_.
- C. No person may be issued or reissued an amusement center license in the Town of \_\_\_\_\_ who has failed to properly and fully complete and submit to the town clerk of the Town of \_\_\_\_\_ the application form as developed and provided by the Town of \_\_\_\_\_.
- D. No person may be issued or reissued an amusement center license in the Town of \_\_\_\_\_ until that person owns or has leased a commercial or other premises or facility in the Town of \_\_\_\_\_ to keep the amusement devices.

### SECTION VIII – PENALTY PROVISIONS

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

### SECTION IX – SEVERABILITY

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

### SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

## WISCONSIN TOWN LAW FORMS

### 60.23 (30): Dog licensing and control ordinance

The following statutes affect this form: s. 60.23 (30) and chs. 173 and 174, Wis. stats.

(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Dogs Running at Large Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the town.

#### SECTION II – AUTHORITY

The town board has the authority under its village powers under s. 60.22, Wis. stats., and the specific authority under s. 60.23 (30), and chs. 173 and 174, Wis. stats., to adopt this ordinance.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the care, treatment, and control of dogs in the town.

#### SECTION IV – DEFINITIONS

In this ordinance:

- A. “Abandoned” means that an owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section IX, subsection E, within 7 days after receipt by a dog’s owner of written notice from the town clerk that the dog is under the possession and care of the town or its designated agents.
- B. “Law enforcement officer” means any person employed by the town for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.
- C. “Legal premise” means the real property owned or occupied by the owner of a dog.
- D. “Owner” means a person who owns, harbors, or keeps a dog.
- E. “Running at large” means off the owner’s legal premise and not under the control of the owner or some other person.
- F. “Stray dog” means a dog running at large whose owner is unknown.
- G. “Town” means the Town of \_\_\_\_\_ in \_\_\_\_\_ County, Wisconsin.
- H. “Town board” means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the town board authorized to act for the town board.
- I. “Town clerk” means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- J. “Untagged” means a valid license tag is not attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner’s legal premise.
- K. “Wis. stats” means the Wisconsin Statutes, including successor provisions of cited statutes.

#### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivisions designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.



## WISCONSIN TOWN LAW FORMS

### SECTION VI – RESTRICTIONS ON DOGS

Except as provided in Section VII, no person may do any of the following:

- A. Allow any dog owned by that person to run at large in the town.
- B. Allow any dog owned by that person to be untagged in the town.
- C. Allow any dog owned by that person to be abandoned in the town.
- D. Allow a dog or dogs on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the town, as determined by the town board, or its designees, after receipt of written notice from the town board, or its designees, to the owner of the dog or to the owner of the legal premise where the dog is kept that the noise from the dog or dogs must be eliminated.

### SECTION VII – EXEMPTIONS FROM SECTION VI COVERAGE

- A. A dog that is actively engaged in the town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land in the town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the town board, or its designees.
- B. A dog that is used by a law enforcement agency as defined in s. 165.83 (1) (b), Wis. stats., in the town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- C. A dog that is untagged and kept in the town for educational or scientific purposes as determined by the town board shall not be considered untagged for purposes of this ordinance.
- D. A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

### SECTION VIII – DOG LICENSE TAX

- A. The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:
  - 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
  - 2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the dog license tax.
- B. The town board shall annually by resolution set the amount of the dog license tax in accordance with s. 174.05 (2), Wis. stats.\*
- C. The license year commences on January 1 and ends on the following December 31.
- D. A late fee of \$5 shall be collected from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the date the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

### SECTION IX – TOWN AUTHORITY

- A. An authorized officer or employee of the town shall attempt to capture and restrain any dog running at large or any untagged dog. The town board authorizes the following officers and employees to act under this paragraph: *[list authorized officers, by office, or authorized employees, by position]*.
- B. (Optional) The town board, pursuant to s. 173.03, Wis. stats., has created the office of Town Humane Officer who is authorized to exercise all of the powers of a humane officer under ch. 173, Wis. stats., within the town.

## WISCONSIN TOWN LAW FORMS

The humane officer is specifically authorized to take into custody animals in the town, including dogs, under s. 173.13, Wis. stats.\*\*

- C. (Optional) Law enforcement officers employed by the town board are authorized to take into custody animals in the town, including dogs, under s. 173.13, Wis. stats.
- D. Any person, including town officers and employees, may take into custody any dog running at large in the town but shall timely deliver the dog to *[inset all that are applicable: the town humane officer, a town law enforcement officer, the town \_\_\_\_\_ (designate other officer), \_\_\_\_\_ (designate town pound specifically by title), \_\_\_\_\_ (a person contracting with the town under s. 173.15, Wis. stats.)]* to provide care, treatment, or disposal of the dog.
- E. 1. If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined, the town clerk shall provide written notice to the owner that the dog is in the town's custody and shall inform the owner that if the owner fails to claim the dog, have the dog properly tagged, and pay the costs of impoundment and care incurred by the town within 7 days after receipt by the dog's owner, the dog will be considered abandoned. No dog in the custody of the town shall be returned to the owner, or an agent of the owner, unless the dog is properly tagged and all custody, care, vaccination, and treatment costs incurred by the town are fully paid by the owner or agent of the owner.  
2. If the identity of the owner of a dog taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.
- F. Unclaimed stray dogs remaining in the custody of the town for 7 days and abandoned dogs remaining in the custody of the town for 7 days after issuance of the notice to the owner under subsection E may be released to a person other than the owner, in accordance with s. 173.23 (1m) (a), Wis. stats., euthanized under s. 173.23 (1m) (c), Wis. stats., or released for scientific or research purposes under s. 174.13, Wis. stats.
- G. The town and its officers and agents shall comply with chs. 173 and 174, Wis. stats.
- H. All persons in the town shall fully cooperate with the town regarding dogs in the town and shall answer frankly, fully, and truthfully all questions of the town relative to dog ownership, possession, and keeping of dogs within the town.

### SECTION X – PENALTY PROVISIONS

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

### SECTION XI – SEVERABILITY CLAUSE

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

### SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

## WISCONSIN TOWN LAW FORMS

### 60.33 (5): Deed of town real estate

The following statutes affect this form: s. 60.33 (5), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, at a meeting held at \_\_\_\_\_, Wisconsin, on \_\_\_\_\_, 20\_\_, [ordered that the real estate described below, belonging to the town, shall be sold and conveyed to \_\_\_\_\_ for the sum of \$ \_\_\_\_\_ or ordered that the real estate described below, belonging to the town, shall be sold at the best price that could be obtained for the real estate at private sale, and \_\_\_\_\_ has offered to pay for the real estate the sum of \$ \_\_\_\_\_, which is the best price obtainable for the real estate at private sale];

Now, therefore, the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, in consideration of the sum of \$ \_\_\_\_\_ paid by \_\_\_\_\_, the receipt of which is acknowledged, conveys to \_\_\_\_\_, and to the heirs, successors and assigns of \_\_\_\_\_, the following described real estate in \_\_\_\_\_ County, Wisconsin: [*insert legal description*].

In witness whereof, I, \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, have executed this deed pursuant to the order of the town, and in its behalf, this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature and seal of town clerk]

In the presence of:

[Signatures of 2 witnesses]

STATE OF WISCONSIN

\_\_\_\_\_ County

Personally came before me, this \_\_\_\_ of \_\_\_\_\_, 20\_\_, the above-named \_\_\_\_\_, known to me to be the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and the person who executed the foregoing instrument, and acknowledged that the instrument was executed in the official capacity of the town clerk.

[Signature and title of officer]

### 60.41: Annual financial statement

The following statutes affect this form: s. 60.41, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The undersigned, Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, respectfully submit the following statement, stating in detail items including the previous year's revenues, expenditures, claims against the town allowed and disallowed, and current indebtedness of the town, during the year ending on \_\_\_\_\_, 20\_\_:

Date	Items or names	Amount (collected, expended, etc.)

## WISCONSIN TOWN LAW FORMS

We hereby certify the above statement to be correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

### **60.44: Resolution and notice of disallowance of claim**

The following statutes affect this form: ss. 60.44 and 893.80, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The formal written claim of \_\_\_\_\_, as claimant, against the Town of \_\_\_\_\_, or its officers, officials, agents, or employees, presented to the town on \_\_\_\_\_, 20\_\_, is disallowed.

This resolution, as adopted, is a notice of disallowance of the claim, under s. 893.80 (1g), Wis. stats.

The town clerk shall serve this resolution, as the town's notice of disallowance of claim, upon the claimant by certified or registered mail and proof of service of the notice shall be obtained by the town clerk.

No action under the claim by the claimant against the Town of \_\_\_\_\_, or against its officers, official agents, or employees may be brought after 6 months from the date of the service by the Town of \_\_\_\_\_ of this resolution upon the claimant.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **60.44 (2): Authorizing alternative claims procedure; ordinance**

The following statutes affect this form: s. 60.44 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### **SECTION I – TITLE AND PURPOSE**

This ordinance is entitled the Town of \_\_\_\_\_ Alternative Claims Procedure Ordinance. The purpose of this ordinance is to authorize an alternative procedure for approving financial claims against the town that are in the nature of bills and vouchers.

#### **SECTION II – AUTHORITY**

The Town Board of the Town of \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 60.44 (2), Wis. stats., to adopt this ordinance.

## WISCONSIN TOWN LAW FORMS

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes an alternative procedure for approving financial claims against the town that are in the nature of bills and vouchers as provided in this ordinance.

### SECTION IV – APPLICABILITY

[Payments of claims against the town may be made from the town treasury under the procedure established in Section V for bills or vouchers not in excess of \$\_\_\_\_\_.

or

Payments of claims against the town may be made from the town treasury under the procedure established in Section V for bills or vouchers that are of a routine nature, namely: \_\_\_\_\_ *(list specific types of bills that may be paid using this procedure, e.g., payroll, utility charges, etc.).]*

### SECTION V – PROCEDURE

- A. Subject to the restrictions under Section IV, the payment of a claim against the town may be made from the town treasury if the town clerk approves in writing the claim as a proper charge against the town treasury. A claim against the town is a proper charge against the town treasury if the clerk determines that all of the following conditions have been met:
  1. Funds are available under the town budget to pay the bill or voucher.
  2. The item or service covered by the bill or voucher has been authorized by the town board or an authorized town official, agent, or employee.
  3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
  4. The claim appears to be a valid claim against the town.
- B. The town clerk may require submission of proof to determine compliance with the conditions under subsection A prior to approval. *(For example, the clerk may require verification of quantity, quality, etc., by another town official or employee.)*
- C. After determining that the conditions under subsection A have been met, the clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon approval of a bill or voucher under this procedure, the clerk shall prepare and sign a check and have it countersigned by the town treasurer and the town chairperson, pursuant to s. 66.0607, Wis. stats. The treasurer shall then mail or deliver the completed checks to the appropriate parties.
- D. At least monthly, the town clerk shall file with the town board a written list of claims approved pursuant to this ordinance. The list shall include the date paid, name of claimant, purpose, and amount.

### SECTION VI – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Reference to a “section,” “subsection,” or “paragraph” includes all divisions of the referenced section, subsection, or paragraph.

### SECTION VII – SEVERABILITY

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

### SECTION VIII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

WISCONSIN TOWN LAW FORMS

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**60.46: Designating public depository; resolution**

The following statutes affect this form: s. 60.46, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The following financial institution(s) [is designated as the public depository *or* are designated public depositories] for the Town of \_\_\_\_\_:

[list names and addresses of public depositories].

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**60.47 (2) (a): Resolution and notice of public contract with estimated cost more than \$5,000 but not more than \$25,.**

The following statutes affect this form: s. 60.47 (2) (a), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town board is authorized to enter into a public contract, as defined in s. 60.47 (1), Wis. stats., with an estimated cost of the public contract to the town of more than \$5,000, but not more than \$25,000, to be executed by the town board or its agents after \_\_\_\_\_, 20\_\_.

Due to the estimated cost of the public contract to the Town of \_\_\_\_\_, the town clerk shall publish this resolution as a class 1 notice under s. 985.07, Wis. stats., before the above-noted public contract execution date as required under s. 60.47 (2) (a), Wis. stats.

Any person interested in the proposed public contract to be executed shall contact \_\_\_\_\_ at \_\_\_\_\_ prior to \_\_\_\_\_, 20\_\_.

## WISCONSIN TOWN LAW FORMS

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **60.47 (2) (b): Resolution and notice of advertisement for proposals to perform public contract with estimated cost of more than \$25,.**

The following statutes affect this form: s. 60.47 (2) (b), Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town, by the town board, is authorized to enter into a public contract with a responsible bidder, as defined in s. 60.47 (1), Wis. stats., with an estimated cost for the public contract to the Town of \_\_\_\_\_ greater than \$25,000.

Due to the estimated cost of the public contract to the Town of \_\_\_\_\_, the town clerk shall publish this resolution as a class 2 notice under s. 985.07, Wis. stats., to serve as an advertisement for bids to perform the terms of the public contract for the Town of \_\_\_\_\_ as described below:

1. The town board, by this resolution, establishes and provides notice of the following general bid specifications and conditions for the bid and for the proposed public contract: *[list conditions and specifications]*.
2. The town board reserves the right to reject any and all bids submitted for the public contract without any basis, and without disclosure for cause. The proposed public contract will not be a town road improvement project under s. 86.31, Wis. stats., for which specific criteria and procedures apply for contracting with any county.
3. The bids for the public contract shall be submitted by the bidders for acceptance to \_\_\_\_\_ *[designate town officer]* at \_\_\_\_\_ *[designate location]* before \_\_\_\_\_, 20\_\_ *[specify deadline date]*, at \_\_\_\_\_ .m. *[specify time]*
4. The bidders' proof of financial responsibility are as follows: *[list requirements]*.
5. The bids for the public contract will be opened by the town board or its agents at \_\_\_\_\_ *[designate location]* on \_\_\_\_\_, 20\_\_ *[specify date]*, at \_\_\_\_\_ .m. *[specify time]*
6. The bid specifications and a copy of the proposed contract document with the Town of \_\_\_\_\_ will be available to bidders from the \_\_\_\_\_ *[designate town officer]* at \_\_\_\_\_ *[designate location]*.
7. The bid schedule and construction time schedule for the Town of \_\_\_\_\_, including any prebid meeting date, preconstruction dates, and completion dates are as follows: *[list events, dates, times, and places]*.
8. The payment schedule and conditions for payment by the town board are as follows: *[insert dates and conditions of payment for each date]*.
9. The bond and insurance requirements for the bid and for public contract by the bidder for the Town of \_\_\_\_\_ are as follows: *[state requirements]*.
10. (Optional) The traffic control and physical structure relocation requirements for the bidders are as follows: *[state requirements]*.
11. General bid specifications and conditions are as follows *[optional, including estimates of major quantities of asphaltic concrete paving, crushed aggregate, pavement pulverizing, pavement milling, and seal coating]*: *[insert conditions and specifications]*.
12. (Optional) The contractor shall be prequalified by the State of Wisconsin, Department of Transportation to perform the work on the bid price prior to submittal of its bid.
13. (Optional) A performance bond in the amount of 100% of the total bid price and a certification of insur-

## WISCONSIN TOWN LAW FORMS

ance, along with an executed contract with the Town of \_\_\_\_\_ will be required of the successful bidder.

14. (Optional) Unless supplanted by specific provisions, all contracting procedures and materials supplied under the proposal shall conform to all of the following:
- The *Standard Specifications for Road and Bridge Construction*, 1996 Edition, and all subsequent revisions for the Wisconsin Division of Highways, Department of Transportation.
  - Chapters [Trans 204](#), [Trans 207](#), and [Trans 214](#), Wisconsin Administrative Code, as applicable.

(Optional) The town clerk shall mail, by first class mail, a copy of this resolution as a proposal for bids to the following interested persons: *[list interested persons]*.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **60.55 (2) (b): Designation of written fire fee schedule; resolution**

The following statutes affect this form: s. [60.55 \(2\) \(b\)](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The following is designated the written fire fee schedule for the Town of \_\_\_\_\_ under s. [60.55 \(2\) \(b\)](#), Wis. stats., to allow the town to charge owners of real property in the town a fee for the cost of fire protection provided by the town to property in the town:

*[insert fee schedule]*.

The town clerk shall properly post or publish this resolution as required under s. [60.80](#), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **60.555: Outdoor burning, open burning, and burning of refuse; ordinance**

The following statutes affect this form: s. [60.555](#), Wis. stats.

*The Department of Natural Resources (DNR) has published a model ordinance for regulating open burning and outdoor burning. Electronic copies of the model ordinance may be downloaded from the DNR website at:*

<https://dnr.wisconsin.gov/topic/OpenBurning/Summary.html>

*The model ordinance is available as a PDF or Microsoft Word-format document. The following information regarding the model burning ordinance is reproduced from the DNR website:*



## WISCONSIN TOWN LAW FORMS

The model ordinance was prepared to assist Wisconsin counties, cities, villages, and towns in adopting local regulations related to outdoor burning and burning of refuse. The model is intended to assist these units of government in enacting their own ordinances and is meant to be advisory only. This publication was prepared in cooperation with the Wisconsin Towns Association, the Wisconsin Counties Association, the League of Wisconsin Municipalities, and the American Lung Association of Wisconsin. It is intended that a municipality “pick and choose” from among the various suggested provisions to meet its particular local needs. The only constraint is that a municipality may not enact an ordinance that’s less stringent than state law.

**Note: Prohibiting burning during dry conditions.** *Section 7.2 of the model ordinance prohibits burning when banned by the Fire Chief or Department of Natural Resources. Town Chairperson may be substituted for Fire Chief. The following provision establishing conditions when the town may prescribe a ban may be added:*

The [fire chief/town chairperson *choose one*] may prohibit open burning in the town when the [fire chief/town chairperson *choose one*] determines that it is warranted by dryness or other burning conditions. The [fire chief/town chairperson *choose one*] shall prepare a notice of the prohibition stating the conditions of the burning ban and that the duration of the ban will be until such time as the [fire chief/town chairperson *choose one*] determines conditions no longer warrant the continuation of the burning ban or until a specified time. The [fire chief/town chairperson *choose one*] shall post the notice in at least 3 locations within the town [and on the town’s Internet site if applicable] and may publish the notice and otherwise publicize the burning ban as the [fire chief/town chairperson *choose one*] determines to be appropriate.

*The Department of Natural Resources and Department of Health Services have information regarding outdoor wood boilers and their regulation posted on their websites:*

<https://dnr.wisconsin.gov/topic/OpenBurning/Boilers.html>

<https://www.dhs.wisconsin.gov/air/owbordinancereport.htm>

<https://www.dhs.wisconsin.gov/air/woodboiler.htm>

### 60.565: Designation of ambulance service fee schedule; resolution

The following statutes affect this form: s. 60.565, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The following is designated the written ambulance fee schedule for the Town of \_\_\_\_\_ under s. 60.565, Wis. stats.:  
[insert fee schedule].

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

## WISCONSIN TOWN LAW FORMS

### 60.61: Building information permit ordinance

The following statutes affect this form: s. 60.61, Wis. stats.

(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Building Information Permit Ordinance. The purpose of this ordinance is for the town to have information regarding the type, size, and location of all buildings and structures constructed, reconstructed, remodeled, removed, or demolished after the effective date of this ordinance.

#### SECTION II – AUTHORITY

The town board of the town has the authority under s. 60.61, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, requires a town building information permit for all buildings constructed, reconstructed, remodeled, removed, or demolished as provided in this ordinance.

#### SECTION IV – DEFINITIONS

In this ordinance:

- A. “Building” means any building or structure and any installation constructed, reconstructed, remodeled, enlarged, altered, removed, or demolished for any use within the town, including but not limited to one- and two-family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, and outbuildings.
- B. “Owner” means any person having a legal or equitable interest in a building. “Owner” does not include any person whose legal or equitable interest in a building is a security interest derived solely from the extension of credit to permit construction or remodeling of the building or purchase of the building by a third party.
- C. “Town” means the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes the town’s officers, employees, and agents when appropriate.
- D. “Town board” means the Board of Supervisors for the Town of \_\_\_\_\_, or any person designated to act for the town board.
- E. “Town clerk” means the Clerk of the Town of \_\_\_\_\_ or his or her deputy or agent.
- F. “Wis. stats.” means the Wisconsin Statutes, including successor provisions.

#### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivisions designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

#### SECTION VI – REQUIREMENT FOR BUILDING INFORMATION PERMIT

The owner of any building or structure in the town, unless exempt under this ordinance, who constructs, installs,

## WISCONSIN TOWN LAW FORMS

remodels, reconstructs, enlarges, alters, removes, or demolishes any building or structure within the town shall seek and obtain from the town a Town Building Information Permit prior to commencing, or causing the commencement of, any construction, installation, remodeling, reconstruction, enlargement, altering, removing, or demolishing of any building.

### SECTION VII – EXEMPTIONS FROM PERMIT REQUIREMENT

The requirement in Section VI to obtain a Town Building Information Permit shall not apply to any of the following:

- A. Buildings or structures owned by the town.
- B. Additions, remodeling, reconstruction, enlargement, or alterations to buildings, when the cost of the work, including labor, shall be less than \$\_\_\_\_ [*insert dollar amount, such as \$1,000*] within a 12-month period.
- C. The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment without the alteration or addition to the building or structure.
- D. Fences or other similar enclosures.

### SECTION VIII – OTHER REQUIREMENTS REMAIN APPLICABLE

The issuance of this Town Building Information Permit does not relieve the owner from any of the following:

- A. Obtaining any permit that may be required by any other state law or local ordinance, including but not limited to any of the following:
  - 1. County sanitary permits.
  - 2. Town, county, or state driveway permits.
  - 3. State one- and 2-family dwelling code permits.
  - 4. Any other applicable permit under town or county ordinance or state law.
- B. Complying with any other requirement, ordinance, or law, including, but not limited to, those governing zoning, subdivision, land division, and setbacks.

### SECTION IX – TOWN BUILDING PERMIT FORM, ISSUANCE, AND FEE

The town board is authorized to approve by resolution a Town Building Information Permit form, designate the person or persons authorized to issue the permits, and establish a fee for issuance of the permits.

### SECTION X – PENALTIES

Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$100, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

### SECTION XI – SEVERABILITY

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

### SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

## WISCONSIN TOWN LAW FORMS

Attest: [Signature of town clerk]

**Note:** The Department of Safety and Professional Services, Division of Industry Services Programs, has created the Model Ordinance for Adoption of Wisconsin Uniform Dwelling Code, which covers adoption of the Uniform Dwelling Code, appointment of an inspector, requiring a permit and imposing a fee, and assessing a penalty. Electronic copies may be downloaded from the Department of Safety and Professional Services website at:

<https://dsps.wi.gov>

### 60.80: Affidavit of posting

The following statutes affect this form: s. 60.80, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, the town clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, attest and [swear or affirm] all of the following:

1. That the following action was posted pursuant to s. 60.80, Wis. stats:

[cite ordinance, resolution, motion, or other action posted].

2. That the above-noted action was posted as required in the following 3 places in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

[list 3 locations].

3. That the posting of this action occurred at the following times and dates:

[list times and dates].

That I filed this affidavit in the records of the town clerk for the Town of \_\_\_\_\_ on \_\_\_\_\_, 20\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the town clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, known to me to be the person who executed and acknowledged the foregoing instrument.

[Signature of town chairperson]

or

[Signature of notary public]

Notary Public, State of Wisconsin

My commission \_\_\_\_\_.

### 60.80: Affidavit of publication

The following statutes affect this form: ss. 60.80 and 985.07, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

## WISCONSIN TOWN LAW FORMS

I, \_\_\_\_\_, the town clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, attest and [swear *or* affirm] all of the following:

1. [That the following action was published pursuant to ss. 60.80 and 985.07, Wis. stats.: *or* That the notice of the following action was published pursuant to ss. 60.80 (5) and 985.07, Wis. stats.:\*]

[*cite ordinance, resolution, motion, or other action posted*].

2. That I caused this [action *or* notice of action] to be published as a class 1 notice, under s. 985.07, Wis. stats., in the following newspaper on the stated date:

[*name newspaper and state of publication of notice*].

3. That I filed this affidavit in the records of the town clerk for the Town of \_\_\_\_\_ on \_\_\_\_\_, 20\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[*Signature of town clerk*]

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the town clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, known to me to be the person who executed and acknowledged the foregoing instrument.

[*Signature of town chairperson*]

*or*

[*Signature of notary public*]

Notary Public, State of Wisconsin  
My commission \_\_\_\_\_.

**\*Note:** Section 60.80 (5) (b), Wis. stats., provides:

60.80 (5) (b) A notice of a resolution, motion, ordinance, or action that may be published under this subsection shall be published as a class 1 notice under ch. 985, Wis. stats., and shall contain at least all of the following:

1. The number and title of the resolution, motion, ordinance, or action.
2. The date of enactment.
3. A summary of the subject matter and main points of the resolution, motion, ordinance, or action.
4. Information as to where the full text of the resolution, motion, ordinance, or action may be obtained, including the phone number of the town clerk, a street address where the full text of the resolution, motion, ordinance, or action may be viewed, and a website, if any, at which the resolution, motion, ordinance, or action may be accessed.

**Note:** In s. 60.80 (5) (b), Wis. stats., “summary” means a brief, precise, and plain-language description that can be easily understood.

### 60.84 (2): Surveyor’s bond for establishing monuments

The following statutes affect this form: s. 60.84 (2), Wis. stats.

Whereas, the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 20\_\_, entered into a contract with \_\_\_\_\_ for the survey of all the sections of the town and for the erection of permanent monuments;

We, \_\_\_\_\_, as principal, and \_\_\_\_\_ and \_\_\_\_\_ as sureties, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, are bound to the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, in the sum of \$\_\_\_\_\_, for which sum, to be paid, we bind ourselves, our heirs, executors, and administrators.

If \_\_\_\_\_ makes a correct and true survey of all the sections in the town, causes monuments to be set permanently at the section and quarter-section corners, as established by United States survey, and faithfully performs the

## WISCONSIN TOWN LAW FORMS

work and duties imposed according to law, this obligation shall be void, but otherwise shall remain in full force and effect.

Dated this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signatures and seals of principal and sureties]

In the presence of:

[Signatures of 2 witnesses]

### APPROVAL OF BOND

We hereby approve the within bond, both as to the form and the sufficiency of the sureties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

### 60.85: Creating tax incremental district; resolution

The following statutes affect this form: s. 60.85, Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, the overall development of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereinafter referred to as the "Town," is recognized as a major need of the Town; and

Whereas, the Town desires to create Tax Incremental District No. \_\_\_\_, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereinafter referred to as the "District," in accordance with the provisions of s. 60.85, Wis. stats., the Tax Increment Law, in order to provide a viable method of financing the costs of needed public improvements within the District and thereby create incentives and opportunities for appropriate private development that will contribute to the overall development of the Town; and

Whereas, in accordance with the procedures specified in s. 60.85, Wis. stats., the Town Planning Commission, on \_\_\_\_\_, 20\_\_, held a public hearing concerning the proposed creation and boundaries of the District and proposed Project Plan for the district, as defined in s. 60.85 (1) (i), Wis. stats., during which interested parties were afforded a reasonable opportunity to express their views; and

Whereas, prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of \_\_\_\_\_ County, the \_\_\_\_\_ School District, and the \_\_\_\_\_ Technical College District, and the other entities having the power to levy taxes on property located within the proposed District, in accordance with the procedures specified in s. 60.85, Wis. stats.; and

Whereas, after said public hearing, the Town Planning Commission designated the boundaries of the proposed District and recommended to the Town Board that it create the District within the area enclosed by those boundaries, as specified in the boundary description or map attached to this Resolution as Exhibit A, and entitled "Boundary Description or Map of Tax Incremental District No. \_\_\_\_, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin;" and [attach appropriate map clearly marked "Exhibit A" and titled "Boundary Description or Map of Tax Incremental District No. \_\_\_\_, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin"]

Whereas, the Town Planning Commission has prepared and adopted a Project Plan for Tax Incremental District No. \_\_\_\_, as required under s. 60.85, Wis. stats., that includes all of the following:

## WISCONSIN TOWN LAW FORMS

1. A statement listing the kind, number, and location of all proposed public works or improvements within the District, or to the extent provided in the Tax Increment Law outside of the District;
2. An economic feasibility study;
3. A detailed list of estimated project costs;
4. A description of the methods of financing all estimated project costs and the time when those costs or monetary obligations related to those costs are to be incurred;
5. A map showing existing uses and conditions of real property in the District;
6. A map showing proposed improvements and uses in the District;
7. Proposed changes of zoning ordinances, master plan, map, building codes, and Town ordinances;
8. A list of estimated non-project costs;
9. A statement of the proposed method for the relocation of any persons to be displaced;
10. A statement that the District meets the requirements of the equalized value test under s. 60.85 (3) (h) 5. d., Wis. stats.;
11. A statement indicating how creation of the District promotes orderly development of the Town;
12. An opinion of the Town Attorney or of an attorney retained by the Town advising that the plan is complete and complies with Tax Increment Law; and

Whereas, the Town Planning Commission has submitted the above-described Project Plan to the Town Board recommending its approval;

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

- A. Pursuant to the Tax Increment Law, there is created in the Town, as of \_\_\_\_\_, 20\_\_, a Tax Incremental District to be known as "Tax Incremental District No. \_\_\_\_, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin," the boundaries of which shall be those recommended to the Town Board by the Town Planning Commission, as specified in the attached Exhibit A.
- B. The Town Board finds and declares that:
  1. At least 75%, by area, of the real property within the District is to be used for projects of a single type that are of one the project types listed under s. 60.85 (2) (b) 1. to 4., Wis. stats., and in accordance with s. 60.85 (3) (h) 4., Wis. stats., the District is declared to be [an agricultural project district *or* a forestry project district *or* a manufacturing project district *or* a tourism project district], being [agricultural *or* forestry *or* manufacturing *or* tourism] activities classified in the North American Industry Classification System, 1997 edition, published by the U.S. office of management and budget, under the following industry number: \_\_\_\_\_ [see s. 60.85 (1) (a), (c), (e), and (p), Wis. stats.] based on the identification and classification of the property included within the District within the meaning of s. 60.85, Wis. stats.; and
  2. The improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District; and
  3. The project costs of the District are limited to those specified under s. 60.85 (2) (b), Wis. stats., and relate directly to promoting [agriculture *or* tourism *or* forestry *or* manufacturing]; and
  4. [select as appropriate The equalized value of the taxable property in the District, plus all existing tax incremental districts, does not exceed 7% of the total equalized value of taxable property within the Town *or* The equalized value of taxable property of the District, plus the value increment of all existing tax incremental districts within the Town does not exceed 5% of the total equalized value of taxable property within the Town]; and
  5. [select as appropriate The District is not within an extraterritorial zoning district, but instead is within the following county or Town zoning district: [cite] and Town or county comprehensive plan, and that the authorized uses in the applicable zoning district that are consistent and compatible with the project proposed for the District; and *or* The District is within the extraterritorial zoning district of the [City *or* Village] of \_\_\_\_\_, which has adopted a resolution, a copy of which is attached as Exhibit C, that approves the Town of \_\_\_\_\_ exercise of power under s. 60.85, Wis. stats. (attach copy of adjacent municipality's resolution clearly marked "Exhibit C"); and

## WISCONSIN TOWN LAW FORMS

6. The Town Industrial Development Agency, by this Resolution, is being designated as agent of the Town of \_\_\_\_\_, to perform all acts; and
7. Any real property within the District that is intended to be used for a manufacturing project is zoned for industrial use and will remain industrial use for the life of the District.

It is further resolved and ordered that the Town Board approves the Project Plan adopted by the Town Planning Commission, attached as Exhibit B, and finds that: *[attach the Project Plan clearly marked "Project Plan for Tax Incremental District No. \_\_\_\_\_, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, Exhibit B"]*

- A. The Project Plan for the District in the Town is feasible, and
- B. The Project Plan for the District in the Town is in conformity with the Master Plan of the Town or the Town Comprehensive Plan.

The Town Clerk is authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base," as of \_\_\_\_\_, 20\_\_\_\_, pursuant to the provisions of s. 60.85, Wis. stats.

The Town Assessor is authorized and directed to identify upon the assessment roll returned and examined under s. 60.85, Wis. stats., those parcels of property that are within the District, specifying on the assessment roll the name of the District, and the Town Clerk is authorized and directed to make similar notations on the tax roll pursuant to the provisions of s. 60.85, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** The Department of Revenue has produced informational publications and printable fill-in forms regarding the town tax increment law. Electronic copies may be downloaded from the Department of Revenue website at:

<https://www.revenue.wi.gov/Pages/SLF/tif.aspx>

### 66.0103: Creating code or partial code of ordinances; resolution and notice

The following statutes affect this form: s. 66.0103, Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, [a code of general ordinances *or* a partial code of ordinances] entitled, ["Town of \_\_\_\_\_ Code of Ordinances" *or* "Town of \_\_\_\_\_ Code of Ordinances Relating to \_\_\_\_\_ (list chapters and titles, for example: Chapter 1. Mobile Home Regulations; Chapter 2. Driveways; Chapter 3. Nuisances, etc., for a partial code)"], has been prepared and authorized by the town board;\*

The Town Board of the Town of \_\_\_\_\_, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders that this code be presented for adoption by the town board at the next regular board meeting on \_\_\_\_\_, 20\_\_\_\_; and that the town clerk, in accordance with the requirements of s. 66.0103, Wis. stats., shall file a copy of the proposed Code of Ordinances in his or her office for public inspection commencing \_\_\_\_\_, 20\_\_\_\_, and cause a copy of the following notice to be published in the next issue of [name of newspaper] not less than two weeks before the board considers adoption of the code.



## WISCONSIN TOWN LAW FORMS

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

### NOTICE\*\*

PLEASE TAKE NOTICE that the town board of the Town of \_\_\_\_\_ will consider the adoption of a [code *or* partial code] of ordinances entitled, [“Town of \_\_\_\_\_ Code of Ordinances” *or* “Town of \_\_\_\_\_ Code of Ordinances Relating to \_\_\_\_\_”] at \_\_\_\_\_ .m. on \_\_\_\_\_ \_\_, 20 \_\_, at the town hall. This code deals with the following topics: [*list chapter(s) and title(s)*].

You are further notified that a copy of the proposed new [code *or* partial code] will be on file and open for public inspection in the office of the town clerk for a period of two weeks commencing \_\_\_\_\_ \_\_, 20 \_\_, in accordance with s. 66.0103, Wis. stats.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** The notice should be published once in the newspaper not less than two weeks before the board will consider adopting the code.

**\*\*Note:** In some cases, s. 60.80 (5), Wis. stats., which allows publication of a notice of the adoption of an ordinance rather than publication of the ordinance, may be an alternative to adopting a partial code of ordinances.

### 66.0103: Enacting code or partial code of ordinances; ordinance

The following statutes affect this form: s. 66.0103, Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – PURPOSE

The purpose of this ordinance is to enact the [“Town of \_\_\_\_\_ Code of Ordinances” *or* “Town of \_\_\_\_\_ Code of Ordinances Relating to \_\_\_\_\_ (*list chapters and titles, for example: Chapter 1. Mobile Home Regulations; Chapter 2. Driveways; Chapter 3. Nuisances, etc., for a partial code*)”], that has been prepared and authorized by the town board.\*

#### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 66.0103, Wis. stats., to prepare and enact a [code *or* partial code] of [some *or* all] of its general ordinances by enacting an ordinance that incorporates the code by reference.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to prepare and enact a [code *or* partial code] of [some *or* all] of its general ordinances by enacting an ordinance that incorporates the code by reference.

## WISCONSIN TOWN LAW FORMS

### SECTION IV – ENACTMENT AND INCORPORATION OF CODE OF ORDINANCES

The [code *or* partial code] of ordinances in book form entitled, [“Town of \_\_\_\_\_ Code of Ordinances” *or* “Town of \_\_\_\_\_ Code of Ordinances Relating to \_\_\_\_\_ (*list chapters and titles*)”], having been placed on file and open to public inspection in the office of the town clerk for a period of 2 weeks commencing \_\_\_\_\_, 20\_\_\_\_, pursuant to s. [66.0103](#), Wis. stats., is adopted as [the general *or* a partial] code of ordinances in and for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin. The [code *or* partial code] is incorporated in this ordinance by reference.

### SECTION V – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** In addition to posting the preceding ordinance, it is recommended that the following notice be published in the newspaper within 30 days of adoption of the code:

#### NOTICE

**Please take notice** that the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_, County, Wisconsin, has adopted a [code *or* partial code] of ordinances regarding \_\_\_\_\_ [*list chapters and titles*]. To review the code, please contact the clerk at \_\_\_\_\_.

**\*Note:** In some cases, s. [60.80 \(5\)](#), Wis. stats., which allows publication of a notice of the adoption of an ordinance rather than publication of the ordinance, may be an alternative to adopting a partial code of ordinances.

#### **66.0113: Citation ordinance**

The following statutes affect this form: ss. [66.0113](#) and [800.02](#), Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Citation Ordinance. The purpose of this ordinance is to authorize the Town Board of the Town of \_\_\_\_\_, or its designees, to issue citations for violations of Town of \_\_\_\_\_ ordinances, including ordinances with statutory counterparts.

### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. [66.0113](#), Wis. stats., to adopt this ordinance.

## WISCONSIN TOWN LAW FORMS

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to issue citations for violations of Town of \_\_\_\_\_ ordinances, including ordinances with statutory counterparts.

### SECTION IV – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION V – COVERAGE

- A. Except as provided in subsections D and E [and F *if applicable*], the form for citations to be issued in the Town of \_\_\_\_\_ by the town board, or its designees, for violations of Town of \_\_\_\_\_ ordinances shall be as provided in this subsection and shall include all of the following:
1. The name and address of the alleged violator.
  2. The factual allegations describing the alleged violation.
  3. The time and place of the alleged violation.
  4. The number of the ordinance violated.
  5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
  6. The time at which the alleged violator may appear in court, and a statement describing whether the appearance is mandatory.
  7. A statement that in essence informs the alleged violator of all of the following:
    - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
    - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned.
    - c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
    - d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant’s arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. stats.
    - e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093, Wis. stats.
  8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113 (1) (b) 7., Wis. stats., and shall send the signed statement with the cash deposit.
  9. Any other information as may be deemed necessary.
- B. The town board adopts the following schedule of cash deposits that are required for the various Town of \_\_\_\_\_ ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under ch. 814, Wis. stats.: *[list deposit amount for each violation]*.
- C. The town board names the following court, clerk of court, or other official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits: *[state court, clerk of court, or official]*.

## WISCONSIN TOWN LAW FORMS

- D. The town board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. stats., shall be used by the Town of \_\_\_\_\_ in lieu of the citation form described in subsection A [or F].
- E. The town board requires that in actions for violations of Town of \_\_\_\_\_ ordinances enacted in accordance with s. 23.33 (11) (am), 23.335 (21) (a), or 30.77, Wis. stats., the citation form specified in s. 23.54, Wis. stats., shall be used in lieu of the citation form described in subsection A [or F].
- F. (Optional) *[include if town has established a municipal court]* If the action for a violation of a municipal ordinance is to be in municipal court, the citation used shall be in compliance with s. 800.02 (2), Wis. stats. The service of the citations in municipal court shall conform with s. 800.01, Wis. stats. The officers authorized to issue citations for municipal court actions are: *[list town officers]*. The citation for any violation to be heard in municipal court shall contain substantially all of the following information:
1. The name, address, and date of birth of the defendant.
  2. The identification of any permit issued to the defendant, or license number of the defendant, if applicable.
  3. The name and department of the issuing officer.
  4. The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance violated, and a description of the violation in language that can be readily understood.
  5. A notice to appear at a date, time, and place for the court appearance, and a statement as to whether the appearance is mandated by the judge.
  6. Provisions for the amount of a deposit and stipulation in lieu of a court appearance, if applicable.
  7. Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
  8. Notice that the defendant may, in writing, prior to the court appearance, enter a plea of not guilty.
  9. Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. stats., not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.
  10. Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.
  11. In an action against a corporation organized under ch. 180 or 181, Wis. stats., or against a limited liability company organized under ch. 183, Wis. stats., a statement of the corporate or company existence and whether the corporation or company is a domestic or foreign corporation or limited liability company.
  12. Any other pertinent information.

### SECTION VI – ISSUANCE AND SERVICE OF CITATION

- A. Town of \_\_\_\_\_ citations may be issued by the Town Board of the Town of \_\_\_\_\_, or the Town Board of the Town of \_\_\_\_\_ may designate certain Town of \_\_\_\_\_, \_\_\_\_\_ County, or other municipal officials, with their written approval, to issue such citations.
- B. Town of \_\_\_\_\_ citations, in addition, may specifically be issued by \_\_\_\_\_ *[state specific town or county official]*. This official may also designate a person to issue such Ordinances for the Town of \_\_\_\_\_ and this official may revoke this authority to issue anytime.
- C. The Town of \_\_\_\_\_ Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of \_\_\_\_\_ upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of \_\_\_\_\_ may also serve such citations.

### SECTION VII – RELATIONSHIP TO OTHER LAWS

The adoption and authorization for use of a citation under this ordinance does not preclude the Town Board of the Town of \_\_\_\_\_ from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

## WISCONSIN TOWN LAW FORMS

### SECTION VIII – SEVERABILITY

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

### SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 66.0113 (1): Citation, ordinance violation

The following statutes affect this form: ss. 66.0113 (1) and 800.02 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

TOWN OF \_\_\_\_\_ CITATION

Name of defendant: \_\_\_\_\_

Statement of corporate status [if applicable]\*: \_\_\_\_\_

Defendant's date of birth: \_\_\_\_\_

Defendant's license number [if applicable]: \_\_\_\_\_

Description of violation: \_\_\_\_\_

Permit violated [if applicable]: \_\_\_\_\_

Time and location of violation: \_\_\_\_\_

Ordinance violated: [identify section violated and provide a brief explanation and nature of the violation]

Maximum forfeiture, plus costs, fees, and surcharges for violation alleged in this citation: \$ \_\_\_\_\_

Name and office of official issuing citation: \_\_\_\_\_, \_\_\_\_\_

[Signature of official issuing citation]

This matter will be before the [choose one: 1. municipal or 2. circuit] court of the \_\_\_\_\_ [choose one: 1. Town or 2. County] of \_\_\_\_\_ at the following date and time: \_\_\_\_\_. You are [select one: 1. required or 2. not required] to appear in that court at that time.

Amount of deposit: \$ \_\_\_\_\_.

Please read all of the following:

1. You may make a cash deposit of [insert amount] \$ \_\_\_\_\_ to \_\_\_\_\_ [specify official to whom the deposit must be made] no later than \_\_\_\_\_. If you have been arrested for the violation referenced above, you may make this deposit and obtain release from that arrest.
2. If you make this deposit, you do not need to appear in court unless appearance is required by the court or you are subsequently summoned.
3. Whether or not you make the deposit, you may, in writing, prior to the court appearance, enter a plea of not guilty.

## WISCONSIN TOWN LAW FORMS

4. If you make the cash deposit and do not appear in court at the time specified, one of the following will happen:
  - a. The court will consider you to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges, not to exceed the amount of the deposit.
  - b. You will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
5. If you do not make a cash deposit and do not appear in court at the time specified, any of the following may happen:
  - a. The court may issue a summons or warrant for your arrest.
  - b. The court may consider the nonappearance to be a plea of no contest and enter judgment against you.
  - c. The town may commence an action against you to collect the forfeiture, plus costs, fees, and surcharges.
6. If the court finds that this violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment, or both, and that the violation resulted in damage to the property of or physical injury to a person other than you, the court may summon you into court to determine if restitution shall be ordered.

If you elect to make a cash deposit, pay the deposit to the official listed above, by the date listed above, and return a copy of this citation that is signed in the area designated below to indicate that you have read the statements listed in items 1 to 6, above.

[Signature of defendant]

**\*Note:** In an action against a corporation organized under ch. 180 or 181, Wis. stats., or against a limited liability company organized under ch. 183, Wis. stats., a citation must include a statement of the corporate or company existence and whether the corporation or company is a domestic or foreign corporation or limited liability company. See s. 800.02 (2) (ag) 9m., Wis. stats.

### 66.0119: Special inspection warrant

The following statutes affect this form: s. 66.0119, Wis. stats.

#### AFFIDAVIT

STATE OF WISCONSIN

\_\_\_\_\_ County

In the \_\_\_\_\_ court of the \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_, being duly sworn, says that on \_\_\_\_\_, 20\_\_, upon certain premises in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, more particularly described as follows: [describe the premises] there now exists a necessity to determine if the above-described premises comply with [section \_\_\_\_\_ of the Wisconsin statutes or section \_\_\_\_\_ of ordinances of the Town of \_\_\_\_\_ or both]. The facts tending to establish the grounds for issuing a special inspection warrant are as follows: [set forth brief statement of reasons for inspection, frequency, and approximate date of last inspection, if any, which shall be deemed probable cause for issuance of warrant].

Wherefore the said \_\_\_\_\_ prays that a special inspection warrant be issued to search the above-described premises for said purpose.

[Signature of affiant]

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of judge]

#### SPECIAL INSPECTION WARRANT

STATE OF WISCONSIN

\_\_\_\_\_ County

In the \_\_\_\_\_ court of the \_\_\_\_\_ of \_\_\_\_\_

THE STATE OF WISCONSIN, To the sheriff or any constable or any peace officer of said county:

## WISCONSIN TOWN LAW FORMS

Whereas, \_\_\_\_\_ has this day complained [in writing] to the said court upon oath that on \_\_\_\_\_, 20\_\_, upon certain premises in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, more particularly described as follows: [*describe the premises*] there now exists a necessity to determine if said premises comply with [section \_\_\_\_\_ of the Wisconsin statutes *or* section \_\_\_\_\_ of ordinances of the town of \_\_\_\_\_ *or both*] and prayed that a special inspection warrant be issued to search said premises;

Now, therefore, in the name of the state of Wisconsin, you are commanded forthwith to search the above-described premises for said purposes.

Dated this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of judge]

### ENDORSEMENT ON WARRANT

Received by me \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_\_\_m.

[Signature of sheriff (or peace officer)]

### RETURN OF OFFICER

STATE OF WISCONSIN

\_\_\_\_\_ Court

\_\_\_\_\_ County

I hereby certify that by virtue of the within warrant I searched the named premises and found the following: [*describe findings*].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of sheriff (or peace officer)]

### 66.0401: Wind access permits

The following statutes affect this form: ss. 66.0401 and 66.0403, Wis. stats.

***Note:** The Public Service Commission has adopted administrative rules as Chapter PSC 128, Wisconsin Administrative Code, regulating wind energy systems in the state including specific provisions regarding local ordinances.*

*Additional information and copies of adopted ordinances are available from the Wisconsin Towns Association: 715-526-3157, (fax) 715-524-3917, (e-mail) [wtowns@wisctowns.com](mailto:wtowns@wisctowns.com)*

***Note:** See also Wisconsin Court of Appeals case: Ecker Brothers v. Calumet County, 2009 WI App 112, 321 Wis. 2d 51, 772 N.W.2d 240.*

### 66.0404: Mobile communication service tower siting regulations

The following statutes affect this form: s. 66.0404, Wis. stats.

*The Wisconsin Towns Association has developed a sample ordinance for the regulation of mobile communication service towers. Electronic copies of the sample ordinance may be found in the Ordinances and Resolutions section of the Information Library of the Towns Association website at:*

<https://www.wisctowns.com/information-library/>

### 66.0407: Noxious weed notice (for posting or publication)

The following statutes affect this form: s. 66.0407, Wis. stats.



## WISCONSIN TOWN LAW FORMS

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### NOTICE

Every person is required by law to destroy all of the following noxious weeds growing on land in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, owned, operated, or controlled by that person:

1. Canada thistle.
2. Leafy spurge.
3. Field bindweed (Creeping Jenny).
4. [any other weeds that have been declared noxious by the town board or county board by resolution or ordinance, naming them]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson]

**Note:** This notice may be published annually on or before May 15 as a class 2 notice under s. 985.07, Wis. stats.

**Note:** See also Department of Natural Resources administrative rule Chapter NR 40, Wisconsin Administrative Code, which regulates invasive species throughout the state:

[http://docs.legis.wisconsin.gov/code/admin\\_code/nr/001/40](http://docs.legis.wisconsin.gov/code/admin_code/nr/001/40)

### 66.0407: Noxious weed ordinance

The following statutes affect this form: s. 66.0407, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of \_\_\_\_\_ Noxious Weed Ordinance. The purpose of this ordinance is to provide for the control of noxious weeds in the town.

### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under ss. 66.0407 and 66.0517, Wis. stats., [and if applicable and has the general authority under its village powers under s. 60.22, Wis. stats.,] to adopt this ordinance.

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of noxious weeds in the town.

### SECTION IV – DESIGNATION OF NOXIOUS WEEDS

The following are designated as noxious weeds in the town:

- A. Canada thistle, leafy spurge, and field bindweed (creeping Jenny), as provided by s. 66.0407 (1) (b), Wis. stats.
- B. [any weed designated as noxious by the town board]

## WISCONSIN TOWN LAW FORMS

C. [so continue]

D. The town chairperson shall include those weeds designated as noxious weeds in the Noxious weed notice given annually under s. 66.0407 (4), Wis. stats.\*

### SECTION V – TOWN WEED COMMISSIONER

The town chairperson having appointed a town weed commissioner under s. 66.0517 (2) (a), Wis. stats., and the weed commissioner having the powers and duties to investigate and destroy noxious weeds in the town as provided in s. 66.0517 (2) (a), Wis. stats., the following provisions are established in regard to the performance of the office of weed commissioner:

- A. The weed commissioner shall receive compensation for investigating the existence of and destroying noxious weeds, including any clerical or administrative activities performed in relation to the performance of those activities, at the rate of \$\_\_\_ per hour upon presenting to the town treasurer an account of noxious weed investigation and destruction activities performed by the weed commissioner, verified by oath and approved by the town chairperson. The account shall specify by separate items each activity of investigation and destruction performed and for each activity of destruction the amount chargeable to each piece of land, describing the land.
- B. After the account of the weed commissioner is paid by the treasurer under subsection A, the account shall be filed with the town clerk. The clerk shall enter the amount chargeable for the destruction of weeds to each tract of land in the next tax roll in a column headed, “For the Destruction of Weeds,” as a tax on the lands upon which the weeds were destroyed. The tax shall be collected under ch. 74, Wis. stats., except in case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under ch. 74, Wis. stats.

### SECTION VI – NOXIOUS WEED DESTRUCTION [can be included in lieu of or in addition to SECTION V]

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)**

- A. Under s. 66.0407 (3), Wis. stats., and this ordinance, a person owning, occupying, or controlling land shall destroy all noxious weeds on the land.
- B. If after publication of the notice required under s. 66.0407 (4), Wis. stats., the [town board or town weed commissioner (or some other designated town officer or employee if there is no weed commissioner), after consultation with the town board], determines after investigation of the conditions on the land that the persons owning, occupying, or controlling the land have failed to destroy all noxious weeds on the land, the town board may cause to be served upon any or all of those persons a copy of the notice required under s. 66.0407 (4), Wis. stats., together with a statement commanding that the noxious weeds upon the land shall be destroyed within \_\_\_ days of the receipt of the notice or the person shall be subject to a forfeiture as provided in the Town of \_\_\_\_\_ Noxious Weed Ordinance. The notice and statement shall be served by registered or certified mail.
- C. Any person upon whom a notice to destroy weeds is served under subsection B may request a hearing before the town board to challenge the reasonableness of the board’s command to destroy weeds. The request for hearing shall be in writing and shall be filed with the town clerk on or before the expiration of the time to destroy the weeds as stated in the notice under subsection B. In the event that a request for hearing is filed, the town board shall set a time and place for the hearing, not less than 5 days after the date the request for hearing is received by the town clerk, and notice of the time and place hearing shall be served upon the person requesting the hearing. No citation or complaint for the recovery a forfeiture under this section may be issued until the completion of the hearing. Every notice issued under subsection B shall contain a clear statement of the right to request a hearing as provided under this subsection.
- D. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this subsection as determined by the town board shall, upon conviction, pay a forfeiture of not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

### SECTION VII – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

## WISCONSIN TOWN LAW FORMS

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VIII – SEVERABILITY

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

### SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** See also Department of Natural Resources administrative rule Chapter [NR 40](#), Wisconsin Administrative Code, which regulates invasive species throughout the state:

[http://docs.legis.wisconsin.gov/code/admin\\_code/nr/001/40](http://docs.legis.wisconsin.gov/code/admin_code/nr/001/40)

### **66.0413: Resolution and order to raze building**

The following statutes affect this form: s. 66.0413, Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town board has found that the following described building is old, dilapidated, or out of repair, and, consequently, dangerous, unsafe, unsanitary, or otherwise unfit for human habitation and that repair of the building is unreasonable. (If applicable: The building inspector [or other designated officer] has determined that the cost of repairs to the building would exceed 50% of the assessed value of the building divided by the ratio of the assessed value to the recommended value as last published by the State of Wisconsin, Department of Revenue for the town.)

Upon the above findings, \_\_\_\_\_, the owner of the following-described real property, is ordered to raze the building in the Town of \_\_\_\_\_ located upon the following described real property by not later than \_\_\_\_\_, 20\_\_, described as \_\_\_\_\_ [specifically describe the building] and located at: [insert address and legal description].

The building inspector [or other designated officer] shall post a placard on the premises containing the following notice:

**“THIS BUILDING MAY NOT BE USED FOR HUMAN HABITATION, OCCUPANCY, OR USE.”**

## WISCONSIN TOWN LAW FORMS

The building inspector [*or other designated officer*] shall prohibit use of the building for human habitation, occupancy, or use until necessary repairs have been made.

If the owner of the above-described real property fails or refuses to comply with this order within the time prescribed above, the building inspector [*or other designated officer*] shall, subject to s. 66.0413 (1) (h) and (j), Wis. stats., relating to salvage and personal property, proceed to raze the building through any available public agency or by contract or arrangement with private persons, or to secure the building and, if necessary, the property on which the building is located if unfit for human habitation. The cost of razing or securing the building may be charged in full or in part against the real estate upon which the building is located, and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special charge.

Notice of the raze order of the town board shall be served as follows:

1. On the owner of record of the building that is subject to the order, or on the owner's agent if the agent is in charge of the building, in the same manner as a summons is served in circuit court.
2. On the holder of each encumbrance of record by 1st class mail at the holder's last-known address and by publication as a class 1 notice under ch. 985, Wis. stats.

If the owner, and the owner's agent, if any, cannot be found, or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice under ch. 985, Wis. stats., before the time limited in the order begins to run.

The town clerk shall file or have filed by the town attorney a Notice of Lis Pendens in the Office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin, on the tract of the above-described real property to provide notice of this resolution and raze order of the town.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** This form may not be used for a property for which the town has received a written insurer certification within 14 days after the property has incurred damage. If a town has received such a certification, additional procedures are necessary before an order to raze the building may be issued. See s. 66.0413 (5), Wis. stats.

### 66.0423: Transient merchant license ordinance

The following statutes affect this form: s. 66.0423, Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Transient Merchant Ordinance. The purpose of this ordinance is to regulate by license and penalty the canvassing or soliciting by transient merchants in their selling of goods and services in the Town of \_\_\_\_\_.

## WISCONSIN TOWN LAW FORMS

### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the authority under its village powers under s. 60.22, Wis. stats., and the specific authority under s. 66.0423, Wis. stats., to adopt this ordinance.\*

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation and licensing of certain canvassing and soliciting by transient merchants in the town.

### SECTION IV – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION V – COVERAGE

- A. No person, without a proper license issued by the Town Board of the Town of \_\_\_\_\_, under this ordinance, except for those persons exempt under Section VII of this ordinance, shall travel from place to place within the Town of \_\_\_\_\_ offering the sale of property that he or she carries with him or her, who goes from place to place within the Town of \_\_\_\_\_ soliciting orders for services or goods to be provided in the future, or who engages in, at a fixed location within the Town of \_\_\_\_\_, a temporary business of selling property or services at that location in the Town of \_\_\_\_\_. Persons engaging in these activities are transient merchants within the meaning of this ordinance.
- B. The fee for the license shall be established annually by resolution of the town board prior to \_\_\_\_\_. A license shall be issued annually from January 1 until December 31 unless the town board establishes and issues a license for a shorter duration. The license shall be issued to the person by the town clerk, or his or her designee, prior to any person soliciting orders, offering sales, or engaging in a business covered by this ordinance in the Town of \_\_\_\_\_.

### SECTION VI – APPLICATION/LICENSE

The application and license shall designate the legal area in the Town of \_\_\_\_\_ where sales efforts by the applicant/licensee may occur. The license shall not be transferable to another person. The license shall be shown to any resident in the Town of \_\_\_\_\_ if the licensee is requested to demonstrate his or her license. The applicant shall, prior to issuance of any license, provide to the town clerk a driver's license or some other proof of identity as the town clerk may require. The application shall include all of the following:

- A. The name of the applicant.
- B. The address of the applicant.
- C. The residential and business telephone number, facsimile number, and e-mail address of the applicant, if any.
- D. The height, weight, hair color, and eye color of the applicant.
- E. The nature of the sales business.
- F. The areas in the Town of \_\_\_\_\_ where solicitation will occur.
- G. A general description of the property or services to be offered for sale.
- H. Any references, certificates, articles, resumes, affidavits, and recommendations to demonstrate the good character and honesty of the applicant.
- I. Any references, certificates, articles, affidavits, and recommendations to demonstrate the quality of the product or service to be sold.
- J. The applicant's residency for the last \_\_\_\_ years.

## WISCONSIN TOWN LAW FORMS

- K. The names, addresses, and telephone numbers of 2 character references.
- L. The make, model, and license number of any motor vehicle to be used in conduct of the sales business.

### SECTION VII – EXEMPTIONS

The following persons, uses, and activities are exempt from the provision of this ordinance:

- A. Wholesalers selling personal property at wholesale to dealers, distributors, or retainers.
- B. Newspaper, periodicals, fuel, dairy products, or bakery goods delivery people.
- C. Children under 18 years of age who are residents of the Town of \_\_\_\_\_.
- D. Town merchants or employees of those merchants taking orders for or delivering goods in the regular course of business in the Town of \_\_\_\_\_.
- E. Farmers and truck gardeners offering for sale agricultural perishable products that were raised or cultivated by them.
- F. A veteran holding a state license under s. 440.82 (2), Wis. stats.
- G. Sales in the Town of \_\_\_\_\_ required by statute or court order.
- H. Auction sales in the Town of \_\_\_\_\_ conducted for public purchase under state law.
- I. Sales of services or property in the Town of \_\_\_\_\_ conducted under another Town of \_\_\_\_\_ license or permit.

### SECTION VIII – ORDINANCE/LICENSE

- A. Any person subject to this ordinance shall comply with this ordinance and all state laws and rules regarding the sale of property and services in the Town of \_\_\_\_\_.
- B. The applicant and any other person subject to this ordinance shall be subject to all of the following:
  - 1. No person shall be issued or reissued a license until the appropriate application fee has been paid to the town clerk.
  - 2. No person shall be issued or reissued a license who has failed to properly and fully complete and submit to the town clerk the application form as developed and provided by the town.
  - 3. (Optional) No person residing outside of the State of Wisconsin shall be issued or reissued a license until that person files a \$\_\_\_\_\_ surety bond with the town clerk that is approved by \_\_\_\_\_. The bond shall be provided to insure or partially insure that the applicant will comply with the Town of \_\_\_\_\_ ordinances and state laws and rules regulating transient merchants as defined in this ordinance, whether denominated as peddlers, haulers, canvassers, solicitors, transient merchants, or any other term, and to insure or partially insure that the applicant as a licensee will properly account for and apply any down payment money received by the licensee from any person in the Town of \_\_\_\_\_ and will properly provide delivery of goods or services purchased as represented by the licensee to any person in the Town of \_\_\_\_\_.
  - 4. (Optional) No person, as a transient merchant, shall call upon any residential dwelling or other place in the Town of \_\_\_\_\_ between \_\_\_\_ p.m. and \_\_\_\_ a.m., except by appointment, nor upon the following days and holidays: *[list days]*.
  - 5. (Optional) No transient merchant shall call at any residential dwelling or other place in the Town of \_\_\_\_\_ where a sign bearing the words “No Peddlers” or similar words appears upon or near the doors of the dwelling or other place.

### SECTION IX – PENALTY PROVISION

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

### SECTION IX – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not

## WISCONSIN TOWN LAW FORMS

affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

### SECTION XI – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*\*Note: Towns in counties that have enacted an ordinance under s. 59.55 (4), Wis. stats., to regulate retail sales, other than auction sales, made by transient merchants and provide penalties for violations of those ordinances may not adopt a transient merchant ordinance.*

### **66.0435: Manufactured and mobile home community license, campground license, and temporary or seasonal residential permit ordinance**

The following statutes affect this form: ss. 66.0435 and 101.935, Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### SECTION I – TITLE

This ordinance is entitled the Town of \_\_\_\_\_ Manufactured and Mobile Home Community License, Campground License, and Temporary or Seasonal Residence Permit Ordinance.

### SECTION II – PURPOSE

The purpose of this ordinance is to regulate by license or permit the installation, maintenance, and parking of mobile homes, manufactured homes, and camping units in the town, the installation, construction, and maintenance of temporary or seasonal dwellings in the town, and the construction, installation, operation, and maintenance of manufactured and mobile home parks and campgrounds in the town to allow the town to monitor the development of property within the town in order to assure the proper assessment and taxation of and assessment of fees upon property within the town and to assure the provision of fire and other emergency services to residents within the town.

### SECTION III – AUTHORITY

The town board has the specific authority under ss. 66.0435, and 101.935, Wis. stats., and the town's village powers under s. 60.22, Wis. stats., to adopt and enforce this ordinance.

### SECTION IV – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by license or permit of the installation, maintenance, and parking of mobile homes, manufactured homes, and camping units in the town, the installation, construction, and maintenance of tempo-



## WISCONSIN TOWN LAW FORMS

rary or seasonal dwellings in the town, and the construction, installation, operation, and maintenance of manufactured and mobile home communities and campgrounds in the town.

### SECTION V – DEFINITIONS

- A. “Campground” means any parcel or tract of land in the town owned by a person, the state, or a local government, that is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground.
- B. “Camping unit” means any portable device, no more than 400 square feet in area, used in the town as a temporary or seasonal dwelling, including but not limited to a camping trailer, motor home, bus, van, truck, or tent.
- C. “Closed construction” means any building, building component, assembly, or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage, or destruction.
- D. “Manufactured and mobile home community” means a facility in the town where 2 or more of any combination of mobile homes, manufactured homes, manufactured dwellings, or camping units are installed or parked on a parcel for dwelling or sleeping purposes regardless of whether any charge is made for the accommodation, unless waived in writing by the town board.
- E.
  - 1. “Manufactured dwelling” means any structure or component of a structure that is intended for use as a dwelling and is any of the following:
    - a. Of closed construction that is fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or
    - b. Of open construction that is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.
  - 2. “Manufactured dwelling” does not include any of the following:
    - a. A building of open construction that is not subject to paragraph 1. b.
    - b. A single- or double-width manufactured home or mobile home.
    - c. A camping unit.
- F.
  - 1. “Manufactured home” means a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal Department of Housing and Urban Development as complying with the standards established under [42 USC 5401](#) to [5425](#) and includes any additions, attachments, annexes, foundations, and appurtenances.
  - 2. “Manufactured home” does not include any of the following:
    - a. A manufactured dwelling.
    - b. A camping unit.
- G. “Mobile home” means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. “Mobile home” includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment carrying a manufacturer’s warranty, and any additions, attachments, annexes, foundations, and appurtenances. “Mobile home” does not include any camping unit.
- H. “Motor home” means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
- I. “Open construction” means any building, building component, assembly, or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage, or destruction.
- J. “Temporary or seasonal dwelling” means any dwelling, cabin, shack, cottage, manufactured home, manufactured dwelling, mobile home, camping unit, or similar structure constructed, installed, parked, or maintained on a parcel of land in the town for temporary or seasonal human habitation, sleeping, lodging, shelter, or living quarters for recreation, camping, hunting, fishing, or travel on a temporary or seasonal basis. “Temporary or seasonal dwelling” does not include any of the following:
  - 1. A structure or dwelling unit that has proper and lawful septic or sewage, water, and electrical connections attached to the dwelling to properly service the projected occupants.

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2. A manufactured dwelling, mobile home, manufactured home, or camping unit that is used for permanent and year-round habitation, sleeping, lodging, shelter, or living quarters.
  3. Any hotel, tourist rooming house, motel, inn, or bed and breakfast establishment as defined in s. 97.01 (1g), Wis. stats.
  4. Any structure or dwelling constructed or installed and in compliance with the one- or 2-family dwelling code adopted under ch. 101, Wis. stats.
  5. A multi-family dwelling unit, including any apartment, town house, condominium, row house, nursing home, jail, prison, or community-based residential facility that has installed, conducted, and maintained sufficient and proper and lawful septic or sewage, water, and electrical connections to properly service the projected occupants of these facilities, as determined in writing by the town board, and with sufficient and proper minimum sleeping room square footage and total square footage to properly service the projected occupants as determined by the town board or its designee.
  6. Any dwelling unit used for temporary or seasonal habitation less than \_\_\_\_ days in any calendar year.
- K. "Town" means the Town of \_\_\_\_\_ in \_\_\_\_\_ County, Wisconsin.
- L. "Town board" means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board.
- M. "Town clerk" means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- N. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – TEMPORARY AND MOBILE DWELLINGS OUTSIDE MANUFACTURED AND MOBILE HOME COMMUNITIES

- A. No person on any parcel of land in the town outside of a licensed manufactured and mobile home community may construct, install, park, or otherwise locate, or cause the construction, installation, parking, or other location of, any temporary or seasonal dwelling, manufactured home, or mobile home for more than \_\_\_\_ days in any calendar year without obtaining a Town Building Permit issued pursuant to the Town Building Control Permit Ordinance and compliance with the provisions of the Town Building Control Permit Ordinance, any County of \_\_\_\_\_ or town zoning ordinance, any town comprehensive plan, any other applicable town ordinances, and all applicable statutes and provisions of the Wisconsin Administrative Code. No person may occupy or permit the occupancy of any temporary or seasonal dwelling, manufactured home, or mobile home, outside of a licensed manufactured or mobile home community, unless a Town Occupancy Permit issued under the Town Building Control Permit Ordinance is issued for the specific temporary or seasonal dwelling, manufactured home, or mobile home.
- B. This section does not apply to any of the following:
1. Any mobile home or manufactured home parked temporarily at a place approved in writing by the town board and licensed by the State of Wisconsin to sell manufactured homes or mobile homes.
  2. Any camping unit parked or installed in a properly licensed campground.
  3. Any camping unit occupied for temporary or seasonal habitation outside of a licensed campground if parked or otherwise located on private property in a safe location with the approval of the owner of the property where parked or located for less than \_\_\_\_ days in a calendar year.
  4. Any unoccupied camping unit parked or otherwise located outside of a licensed campground if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.
  5. Any unoccupied camping unit parked or installed temporarily at a place approved in writing by the town and licensed by the State of Wisconsin to sell camping units in the town.
  6. Any temporary or seasonal dwelling residential unit occupied for habitation in the town that is less than

## WISCONSIN TOWN LAW FORMS

100 square feet or any temporary or seasonal dwelling residential unit parked, installed, and maintained less than \_\_\_\_ days in any calendar year if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.

### SECTION VII – MANUFACTURED AND MOBILE HOME COMMUNITIES

- A. Except for any manufactured and mobile home community owned or operated by the County of \_\_\_\_\_, no person, after the effective date of this ordinance, may install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community in the town unless the owner of the land occupied by the manufactured and mobile home community or the operator of the manufactured and mobile home community has been issued a Town Manufactured and Mobile Home Community License by the town clerk and has fully paid the annual license fee under s. 66.0435 (3) (a), Wis. stats., due the town for the calendar year.
- B. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, a manufactured and mobile home community in the town without compliance with all applicable statutes, provisions of the Wisconsin Administrative Code, including compliance with specific rental requirements established under the Wisconsin Administrative Code that are adopted as part of this ordinance by reference, any County of \_\_\_\_\_ or town zoning ordinance, any town comprehensive plan, this ordinance, and any other applicable town ordinances.
- C. 1. Except as provided in paragraph 2, no person, after the effective date of this ordinance, may install, operate, park, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured home, manufactured dwelling, mobile home, or camping unit in any manufactured and mobile home community in the town without timely payment of the monthly parking permit fee as determined under s. 66.0435 (3) (c), Wis. stats. The manufactured and mobile home community licensee shall collect and timely pay the fee to the town clerk, pursuant to s. 66.0435 (3) (c), Wis. stats. Any manufactured and mobile home community operator or owner who collects monthly parking permit fees may deduct for administrative expenses 2 percent of the monthly fees collected prior to payment to the town clerk. Fees shall be collected by the licensee by the \_\_\_\_ of each month and paid to the town clerk by the \_\_\_\_ of each month. The manufactured and mobile home community licensee is liable for the monthly municipal permit fee for any unit occupying space in the community as well as the owner and occupant of each such unit, except that the licensee is not liable until the licensing authority has failed, in an action under ch. 799, Wis. stats., to collect the fee from the owner and occupant of the unit.
2. Paragraph 1 does not apply to any manufactured home, manufactured dwelling, mobile home, or camping unit that is any of the following:
- a. An improvement to real property.
  - b. A recreational vehicle as defined in s. 340.01 (48r), Wis. stats.
  - c. A camping trailer as defined in s. 340.01 (6m).
- D. Any licensed manufactured and mobile home community operator or owner of land on which a manufactured and mobile home community is located shall timely notify the town clerk of information requested in writing by the town clerk, including the number of all manufactured dwellings, mobile homes, manufactured homes, or camping units installed, parked, or removed at any specific time periods in the mobile home park. This information shall be provided by the owner of the land or the operator of the manufactured and mobile home community within 5 days after written request from the town clerk. The information requested shall be on a form provided by the town clerk.
- E. No person may in any manufactured and mobile home community in the town create or maintain, or cause or allow the creation or maintenance of, a public nuisance or a substantial threat or danger to the health or safety of the public, including to those persons who are occupants or tenants of the mobile home park.
- F. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any manufactured and mobile home community unless the manufactured and mobile home community meets the following minimum construction, installation, and maintenance standards for the community and for every mobile home, manufactured home, manufactured dwelling, or camping unit to be installed or maintained in the mobile home park: *[list specific standards]*
- G. No manufactured and mobile home community, after the effective date of this ordinance, may be occupied at any one time by more than \_\_\_\_ mobile homes, manufactured homes, or camping units, or a

## WISCONSIN TOWN LAW FORMS

combination thereof, installed, maintained, or parked in the manufactured and mobile home community. Manufactured dwellings shall be permitted for installation in a manufactured and mobile home community only upon written approval of the town board. No other buildings or structures are to be constructed, installed, or used in the manufactured and mobile home community for living quarters, sleeping, lodging, or any habitation unless approved in writing by the town board.

- H. The town reserves the right to place special charges or special assessments on the land where the manufactured and mobile home community is located to defray the costs to the town of services and materials furnished to the mobile home park.

### SECTION VIII – CAMPGROUNDS

No person, after the effective date of this ordinance, may construct, install, operate, maintain, or cause the construction, installation, operation, or maintenance of, a campground without obtaining a Town Campground License. No Town Campground License shall be issued for a campground for which a permit has not been issued by the State of Wisconsin under s. [97.67](#), Wis. stats.

### SECTION IX – GENERAL LICENSE AND PERMIT PROVISIONS

- A. No person may conduct or cause any activity or use enumerated in this ordinance without a license or permit required in this ordinance.
- B. Application for a license or permit under this ordinance shall be made to the town clerk on a form furnished by the town. The application shall contain such information as may be required by the town board.
- C. All license or permit fees imposed under this ordinance shall be collected by the town clerk and paid into the town treasury. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant.
- D. A license or permit under this ordinance may be issued by the town clerk, with the approval of the town board. If the town clerk has reason to believe that the applicant is not a fit person to be granted the license or permit, that the conduct, use or activity is not in compliance with federal or state law or regulations or any county, extraterritorial, or town ordinance, or that the parcel for the conduct, use, or activity is not suitable, the town clerk shall refer the license or permit to the town board, or its designee, for investigation or inspection. If as a result of the investigation or inspection, the town clerk, with the approval of the town board, denies the license or permit, an appeal may be made by the applicant in writing to the town clerk within 5 days after the date of the denial. Upon receipt of a written appeal, the town clerk shall set a public hearing before the town board not less than 10 days after receipt of the written appeal and provide written notice of the hearing to the appellant. At the hearing the appellant is entitled to be represented by counsel. After hearing the evidence the town board may confirm or reverse the denial. The determination of the town board is final.
- E. All annual licenses or permits issued under this ordinance shall expire on the succeeding June 30.
- F. All licenses or permits issued under this ordinance shall be displayed upon the parcel or vehicle for which issued, or, if carried on the person, shall be displayed to any officer of the town upon request.
- G. It is a condition of holding a license or permit under this ordinance that the licensee or permittee fully comply with all federal and state law or regulations and all county, extraterritorial, and town ordinances. Failure to do so is cause for revocation of the license or permit.
- H. All licenses or permits issued under this ordinance are personal and are not transferable except by written approval of the town board.
- I. Any license or permit issued under this ordinance may be revoked for cause by the town board. Any licensee or permittee whose license or permit is so revoked may apply within 5 days after the revocation for a public hearing before the town board. At the hearing, the licensee or permittee is entitled to be represented by counsel. The hearing shall be conducted upon publication of a Class 1 Notice under s. [985.07](#), Wis. stats., prior to hearing, with the costs for publication and public hearing paid by the licensee or permittee to the town clerk prior to publication. After hearing the evidence, the town board may confirm or reverse the revocation, or modify the revocation by imposing a limited period of suspension. The determination of the town board shall be in writing, shall state the reasons for the Board's action, and is final.

### SECTION X – PENALTY PROVISIONS

## WISCONSIN TOWN LAW FORMS

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

### SECTION XI – SEVERABILITY

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

### SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town board]

Attest: [Signature of town clerk]

### **66.0435: Application for manufactured and mobile home community license**

The following statutes affect this form: s. 66.0435, Wis. stats.

I, \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, [insert mailing address] apply for [a license or renewal of a license] to maintain and operate a manufactured and mobile home community at \_\_\_\_\_ [legal description] in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin; attached hereto and incorporated herein by reference, is the complete plan and specification of the park.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of applicant]

### **66.0435: Manufactured and mobile home community license**

The following statutes affect this form: s. 66.0435, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Application having been properly filed by \_\_\_\_\_, of \_\_\_\_\_ [insert mailing address], for a license to maintain and operate a manufactured and mobile home community at \_\_\_\_\_ [legal description] in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and it appearing that the plans and specifications comply with all applicable town ordinances, statutes, and rules of the State of Wisconsin and that the town board has approved the application and that all work on the park has been completed according to the plans, and the applicant having paid the required fee of \$ \_\_\_\_\_ [not less than \$25 nor more than \$100 per year for each 50 spaces or fraction thereof within the town limits];

A manufactured and mobile home community license is issued to \_\_\_\_\_, of \_\_\_\_\_, to maintain and operate a manufactured and mobile home community at the place above described for the term of one year from the date hereof.

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### 66.0801: Water use regulation

The following statutes affect this form: ss. 66.0801 to 66.0827, Wis. stats.

*Note: Information on water use regulation can be accessed on the Public Service Commission website:*

<https://psc.wi.gov/Pages/ServiceType/WaterTopics.aspx>

### Chapter 68: Administrative review of town determinations

The following statutes affect this form: ch. 68, Wis. stats.

*Note: Chapter 68, Wis. stats., guarantees the right of persons affected by certain determinations made by municipalities to appeal those determinations and provides procedures for the review of those determinations. Specifically ss. 68.01 and 68.02, Wis. stats., provide:*

**68.01 Review of administrative determinations.** Any person having a substantial interest which is adversely affected by an administrative determination of a governing body, board, commission, committee, agency, officer or employee of a municipality or agent acting on behalf of a municipality as set forth in s. 68.02, may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive. No department, board, commission, agency, officer or employee of a municipality who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the same municipality, but may respond or intervene in a review proceeding under this chapter initiated by another.

**68.02 Determinations reviewable.** The following determinations are reviewable under this chapter:

- (1) 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.
- (2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority, except as provided in s. 68.03 (5).
- (3) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.

*Chapter 68, Wis. stats., may be viewed in its entirety at:*

<https://docs.legis.wisconsin.gov/statutes/statutes/68>

### 88.94: Petition for drainage of farm land and notice of hearing

The following statutes affect this form: s. 88.94, Wis. stats.

To the [drainage board *or* supervisors] of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

Your petitioner desires to drain agricultural land, not exceeding 80 acres, owned by the petitioner. Because of the lay of the land, there is no suitable outlet for drainage on petitioner's land. The proposed drain will promote the general welfare and health of the community. It is impractical for petitioner to drain the land without crossing the land of others.

Therefore, \_\_\_\_\_ petitions you to lay out a suitable drain and outlet as shown in the attached map, which map is made part of this petition. [The map should show and describe: 1. The land of the petitioner. 2.



## WISCONSIN TOWN LAW FORMS

*The names of the other landowners. 3. A description of the lands of others over which the drain will extend. 4. The location and kind of drain.]*

The land that the petitioner desires to drain is described as follows: *[here describe the land as in a deed]*. The drain will cross *[describe the land]* owned by \_\_\_\_\_ and *[describe the land]* owned by \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signature of petitioner]*

### **88.94: Notice of hearing on petition for drainage of farm land**

The following statutes affect this form: s. [88.94](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### **NOTICE OF HEARING**

**Notice is hereby given** by the supervisors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, that the petition of \_\_\_\_\_ to lay out a drain and outlet, pursuant to s. [88.94](#), Wis. stats., as shown in the map attached to the petition on file with the town will be heard by them on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m. *[insert time]*, at \_\_\_\_\_ *[insert place of hearing]*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

**Note:** *This petition may be presented to the town supervisors of the town only if there is no drainage board in the county.*

*Notice shall be given under s. [88.05](#), Wis. stats., to the owners and occupants of all lands through or along which the drain may pass and to the persons specified in s. [88.05 \(4\) \(a\)](#), Wis. stats.*

### **93.90: Livestock facilities siting**

The following statutes affect this form: s. [93.90](#), Wis. stats.

**Note:** *The Wisconsin Department of Agriculture, Trade and Consumer Protection has created a website that provides information on all aspects of livestock facility siting in Wisconsin, at:*

[https://datcp.wi.gov/Pages/Programs\\_Services/LivestockSiting.aspx](https://datcp.wi.gov/Pages/Programs_Services/LivestockSiting.aspx)

**Note:** *This DATCP website specifically includes material regarding local implementation including model zoning and licensing ordinances at:*

[https://datcp.wi.gov/Pages/Programs\\_Services/LSLocalImplementation.aspx](https://datcp.wi.gov/Pages/Programs_Services/LSLocalImplementation.aspx)

### **101.65: Model ordinance for adoption of Wisconsin Uniform Dwelling Code**

The following statutes affect this form: s. [101.65](#), Wis. stats.

**Note:** *The Department of Safety and Professional Services, Division of Industry Services Programs, has created the Model Ordinance for Adoption of Wisconsin Uniform Dwelling Code, which covers adoption of the Uniform Dwelling Code, ap-*



## WISCONSIN TOWN LAW FORMS

*pointment of an inspector, requiring a permit and imposing a fee, and assessing a penalty. Electronic copies may be downloaded from the Department of Safety and Professional Services website at:*

<https://dsps.wi.gov>

### 157.50: Cemetery and burial site ordinance

The following statutes affect this form: s. 157.50, Wis. stats.

**(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)**

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this Ordinance is the “Town of \_\_\_\_\_ Town Cemetery Ordinance.” The purpose of this Ordinance is to regulate the construction, management, operation, and platting of cemeteries, the burial of human corpses, and other cemetery uses and activities in the town.

#### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_ has the specific authority under s. 157.50 (2), Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the construction, management, operation, and platting of cemeteries and the burial of human corpses and other cemetery uses and activities in the town, including cemeteries that are not owned, operated, or controlled directly by the town.

#### SECTION IV – DEFINITIONS

In this ordinance:

- A. “Burial” means entombment, inurnment, or interment and “bury” means to entomb, inurn, or inter.
- B. “Cemetery” means any location for burial of human remains in the town.
- C. “Human remains” means the body of a deceased individual that is in any stage of decomposition or has been cremated.
- D. “Lot” means a single grave lot platted in accordance with Section VI, whether or not occupied by a grave.
- E. “Outer burial container” means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial.
- F. “Sexton” means a town employee or independent contractor employed or retained by the town board to administer, repair, maintain, manage, and operate a town cemetery or any part of the operations of a town cemetery consistent with this ordinance. In the event no person is specifically designated as “sexton” by the town board, “sexton” means any person or committee designated to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance.
- G. “Town” means the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- H. “Town board” means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board.
- I. “Town cemetery” means a municipal cemetery owned, operated, and maintained by the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, under s. 157.50, Wis. stats., that is located within the town.
- J. “Town chair” means the chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- K. “Town clerk” means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

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- L. "Town treasurer" means the treasurer of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.  
M. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – STATEMENT OF POLICY

Every town cemetery is owned, operated, directly controlled, and maintained by the town for the benefit of all citizens. Persons of all denominations of all religions, sexes, creeds, and races, shall be allowed to be buried in a town cemetery. This ordinance, adopted pursuant to s. 157.50 (2), Wis. stats., governs the construction, management, administration, platting, maintenance, and operation of any town cemetery and of any new cemetery or expanded cemetery of any other type in the town, including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries.

### SECTION VII – NEW BURIALS, CEMETERIES, AND CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS

- A. **Platting.** Before any new block of any existing town cemetery or any other new or expanded cemetery in the town is opened for the sale of cemetery lots for burial of human remains after the effective date of this ordinance, the town board or the sexton for a town cemetery and any person or agent for any other cemetery in the town that is subject to s. 157.065, Wis. stats., shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin, in accordance with s. 157.065, Wis. stats.
- B. **Single grave section.** The town board or the sexton shall designate, for any town cemetery, certain lots as a single grave section, and the lots within each grave section shall be platted and sold as single-grave lots. Unused portions of grave sections repossessed under ch. 157, Wis. stats., for nonpayment of assessments for care shall likewise be designated and sold as single-grave lots.
- C. **Purchase of new lands.** The town board or the sexton shall not purchase any land for cemetery purposes without approval of the electors of the town at a regular or special town meeting.
- D. **New or expanded cemeteries.** 1. No person or authorized agent of any cemetery may conduct any burial, or construct, manage, plat, or operate any new or expanded cemetery of any type in the town, after the date of adoption of this ordinance, without written permit approval of the town board. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under ch. 985, Wis. stats. Any new or expanded cemetery to be approved by the town board shall be, at minimum, properly platted and filed with the town clerk and recorded in the Office of the Register of Deeds for \_\_\_\_\_ County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to s. 157.065 or 157.128, Wis. stats. The minimum cemetery acreage must be at least \_\_\_\_\_ contiguous acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a town, county, or other zoning ordinance. The town board may require that the following criteria be met for approvals of permits: *[list]*.
2. After the date of adoption of this ordinance, any place in the town where human remains are buried on private or public land without written permit approval of the town board and not timely removed within \_\_\_\_\_ *[state time limit]* days after receipt of written notice from the town board to remove said remains is declared to be a public nuisance. In addition to commencing an action for penalties as provided in this ordinance, the town may take action to abate the nuisance and recover its costs of doing so, as provided in the town Public Nuisance Ordinance.\*\* This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with ch. 157, Wis. stats., and this ordinance.

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### SECTION VIII – PURCHASE OF LOTS IN TOWN CEMETERY

- A. **Price of lots.** The town board shall from time to time by resolution fix a price on all lots to be sold for burials in any town cemetery.
- B. **Sales of lots.** 1. Persons, or their authorized agents, desiring to purchase a lot in any town cemetery for burial are referred to the town board, town clerk, or sexton. The town board, town clerk, or sexton shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. The town board, town clerk, or sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her agent, who shall present the order at the office of the town clerk. Upon receipt of proper payment to the town treasurer, the town chair and town clerk shall issue a cemetery lot deed to the lot in the form prescribed by the town attorney. The original deed from the town and the records of the cemetery kept by the town clerk or other designee of the town board are the only evidence of title to any lot. The deed shall be signed by the town clerk and town chair or other persons so designated by the town board and sealed and acknowledged so as to entitle the purchaser to record the deed with the Register of Deeds for \_\_\_\_\_ County, Wisconsin.
2. Persons conveying any cemetery lot in any town cemetery shall comply with s. [157.08](#), Wis. stats., and this ordinance.

### SECTION IX – OWNERSHIP RIGHTS OF BURIAL IN TOWN CEMETERY

- A. **Ownership conditions.** 1. The owner of a town cemetery lot, or his or her 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 this ordinance or any town cemetery bylaws and regulations.
2. Upon full payment by any person of the purchase price of a town cemetery lot, the town clerk and town chair shall issue a cemetery lot deed, under seal, as provided in Section VIII, subsection B., and a copy of the deed shall be filed in the records of the town as evidence of ownership of the lot. Lots for which lot deeds have been issued by the town may not be subdivided except by consent in writing of the town board.
3. All repossessed vacant lots in any town cemetery when resold are subject to the same fees and charges as other unoccupied lots.
- B. **Burial.** 1. In this subsection, “relative” means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.
2. Any lot owner at any town cemetery acquires the lot solely for the purpose of burial of the owner at the time of the owner’s death, and if the lot is owned jointly by spouses, either spouse is entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the town clerk, for the burial of specific persons other than the owner and the owner’s spouse. If more than one person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner’s spouse.
3. Unless otherwise directed in a writing filed with the town clerk by the lot owner under paragraph 2, the town board or the sexton shall permit the burial of persons at any town cemetery lot at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:
- a. The lot owner, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.
- b. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisees, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the town clerk.
- c. If no agreement under subdivision b. is filed, the town board or the sexton may determine use, giving preference to relatives in the order listed in paragraph 1.\*
- C. **Ownership rights.** All burial rights in the cemetery lots located at any town cemetery and purchased from the town shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. 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 or final judgment in the decedent’s estate must be delivered to the town clerk before the town 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 town cemetery lots and devise the lots to one person.

- D. **Resale.** Lot owners may not resell or transfer lots or parts of lots in any town cemetery except as follows:
1. Reconveyance of lots or parts of lots may be made only upon written application filed with and approved by the town clerk. The application shall be executed by the owner of the lots, or, if the owner is deceased, by the legal heirs. The application shall state the lot and block number. Upon approval by the town clerk, the owner of the lot shall execute a deed in the same form as an original deed from the town under Section VIII, subsection B, so as to entitle the purchaser to record the deed with the Register of Deeds for \_\_\_\_\_ County, Wisconsin.
  2. The town clerk shall enter in the record kept for that purpose copies of all deeds of transfer and reconveyance of cemetery lots. No deed reconveyance may be received and filed by the town clerk until a fee of \$\_\_\_\_\_ has been paid therefor.
  3. The fee shall be deposited into the general town municipal fund.
- E. **Reburial.** 1. In this subsection, “reburial” means to disintomb, disinter, or disinter human remains that are buried in a cemetery and reentomb, reinurn, or reinter the human remains in another grave, mausoleum space, or other place used or intended to be used for the burial of human remains that is located in the same cemetery.
2. Any reburial of any person buried in a town cemetery, or in any other cemetery in the town, shall comply with the provisions of s. 157.112, Wis. stats. Any person seeking reburial shall seek approval from the appropriate cemetery authority. A county authorization for disinterment and reinterment shall be required prior to any reburial under s. 69.18 (4), Wis. stats.
- F. **Use of repossessed lots.** Whenever possible, lots repossessed under ch. 157, Wis. stats., in any town cemetery will be resold and used for burials before new areas of the cemetery are used or platted.

#### SECTION X – CARE OF LOTS AT THE TOWN CEMETERY

- A. **Perpetual care fund for town cemetery.** In order to assure reliable means for permanent care of town cemeteries, a perpetual care fund is created for town cemeteries. Income from this fund shall provide all or partial maintenance costs of the town cemeteries. All lots sold in any town cemetery shall be charged a perpetual care fee included in the price of the lot and each grave shall be provided with perpetual care services under subsection B. A record of the perpetual care fund shall be kept in the office of the town clerk. The fund may be increased by gifts, bequests, a portion of memorial charges, and other service revenues. Gifts shall be received, kept, and maintained pursuant to s. 157.11 (8) and (9), Wis. stats.
- B. **Perpetual care.** The town assumes to use the net annual income received from the investments of the perpetual care fund under subsection A in furnishing perpetual care of graves in town cemeteries. Perpetual care is limited to the maintenance of lawn, leaf disposal, filling sunken graves, raising markers, and caring for avenues, alleys, fences, buildings, and grounds in general. Expenditures of income from the perpetual care fund shall be made at the discretion of the town board or the sexton. The town shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the proceeds of each lot sale shall be added to the perpetual care fund of the town and the proceeds from the fund used by the town as provided in this subsection. Nothing in this ordinance shall be construed as obligating the town as to any alleged existing contract as to perpetual care. The town board shall operate and maintain the town cemetery to provide proper and decent care of town cemeteries and the graves, and it may employ a sexton, staff, and any independent contractor necessary to provide such care.
- C. **Costs of care fixed.** The town board shall annually fix, as required under s. 157.11 (5), Wis. stats., a sum necessary for the proper and decent care of graves and unoccupied cemetery lots and improvement of any town cemetery to be paid from the following sources as determined by the town board:
1. Payments from \_\_\_\_\_ County to the town for veteran’s graves under subsection F and s. 45.84, Wis. stats.
  2. Income of the perpetual care fund.
  3. Assessments made under subsection D.
  4. A tax levied by the town board.
- D. **Assessments against unoccupied lots.** The town board may annually assess upon town cemetery lots not occupied by graves amounts not to exceed the amounts reasonably required for actual and necessary costs for

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care of cemetery lots and care and improvement of the cemetery pursuant to s. 157.11 (7), Wis. stats. Notice of the assessment, along with a copy of s. 157.11, Wis. stats., shall be mailed to each owner or person having charge of a cemetery lot, at the owner's or person's last-known post office address, directing payment to the cemetery authority within 30 days and specifying that such assessments are a personal liability of the owner or person. When uniform care of a cemetery lot has been given for 2 consecutive years or more for which assessments are unpaid, after notice as provided in s. 157.11 (2), Wis. stats., the right to burial is forfeited until delinquent assessments are paid. When uniform care has been given for 5 consecutive years or more and the assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery lot shall pass to the town, as cemetery authority, and may be sold, the payment of principal to be deposited into the perpetual care fund. Before depositing the payment of principal into the perpetual care fund, the cemetery authority may retain an amount necessary to cover the cemetery authority's administrative and other expenses related to the sale, but the amount retained may not exceed 50% of the proceeds.

- E. **General improvements.** The town board shall direct and administer all improvements and maintenance within the cemetery before and after any burials. The town board shall be responsible for determining proper and decent care of the cemetery. All graves shall be sodded and mowed, when determined necessary by the town board or the sexton. The grade of the cemetery lots shall be determined by the town board or the sexton. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by the town board or the sexton. Resodding of existing graves or following disinterment will be done when determined necessary by the town board or the sexton.
- F. **Veterans graves.** 1. Pursuant to s. 45.85, Wis. stats., the town board shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.  
2. Pursuant to s. 45.85 (1), Wis. stats., the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The town board shall report to the \_\_\_\_\_ county clerk, on or before September 1 of each year, the locations of the graves cared for by the town board under s. 45.85, Wis. stats., together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

### SECTION XI – PRIVILEGES AND RESTRICTIONS IN TOWN CEMETERIES

- A. **Bylaws and regulations.** The town board may adopt bylaws and regulations for the management and care of any town cemetery and may enforce those bylaws and regulations under s. 157.11 (2), Wis. stats. The town board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under ch. 985, Wis. stats., in the county. If the person fails to comply within 20 days thereafter, the town board may cause the action required to be done and recover the expense from the person required to take the action. The town board may also impose a forfeiture not exceeding \$10 for violation of the bylaws or regulations posted in 3 conspicuous places in the cemetery, recoverable under ch. 778, Wis. stats.
- B. **Mounds prohibited.** No person may raise the level of the earth over any grave in a town cemetery above the general level of the cemetery lot.
- C. **Limitations on structures and urns.** 1. In this subsection "urn" means a vessel for the display of flowers or plants that is attached to a lot or is of such weight, as determined by the town board or sexton, that it cannot be readily moved from its placement on the lot. "Urn" does not include a vessel containing cremated human remains properly inured on the lot.  
2. No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around lots in any town cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots without written approval of the town board or the sexton, and if so placed may be removed by the town board or the sexton without oral or written notice. Urns are not permitted at any town ceme-

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tery on lots sold after the passage of this ordinance. Urns existing in town cemeteries prior to the passage of this ordinance shall be removed by the town or the sexton as they become unsightly or deteriorated and shall not be replaced. Before an urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by registered or certified mail with return receipt requested by the town clerk that the urn has been removed from the lot and will be destroyed or discarded unless the owner of the urn claims it within 30 days after mailing of such letter.

- D. **Landscaping.** All landscaping, mowing, and general care of lots, and other work, construction or maintenance in the town cemetery shall be performed by the town by its officers, employees, independent contractors, or agents, including any sexton, unless otherwise provided in writing by the town board.
- F. **Access to lots; opening and closing of burial places.** The town reserves the right for its officers, employees, contractors, and agents, including the sexton and the town board, necessary to the performance of normal town cemetery operations to enter upon or cross over any lot in any town cemetery in the performance of any duties or work necessary under this ordinance. The town board, by its officers, employees, contractors, and agents, including the sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the town cemetery, unless so ordered by a court of record to open or close such places.
- G. **No assumption of liability for damages.** The town, and its officers, employees, contractors, and agents, including the sexton and the town board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any town cemetery, including care of the cemetery, any lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at a town cemetery.
- H. **Altering physical conditions.** The town board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any town cemetery.
- I. **Enforcement of regulations and ordinance.** The town board may appoint, with citation issuance and service powers, any employee or agent of the town, including the sexton, to administer and enforce its town cemetery bylaws and regulations and this ordinance.

### SECTION XII – RULES FOR VISITORS TO TOWN CEMETERIES

- A. **Visiting hours.** Every town cemetery shall be open to visitors at all times between the hours of \_\_\_\_\_.m. and [\_\_\_\_\_.m. or one-half hour after the official sunset]. Permission to enter any town cemetery at any other time must be obtained from the town board or the sexton.
- B. **Children.** Children under 16 years of age shall not enter upon any town cemetery except when accompanied by parents or guardians, unless this requirement is waived in writing by the town board or the sexton.
- C. **Refreshments.** Persons, including picnic parties, with food, refreshments, or alcoholic beverages, are prohibited within any town cemetery.
- D. **Dogs and other animals.** Dogs are permitted in any town cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person with sight-impairment or other disability while in the town cemetery. All other pets or domestic animals are prohibited without written consent of the town board or the sexton, except a service animal other than a dog accompanying a person with sight-impairment or other disability while in the town cemetery.
- E. **Firearms.** Firearms are prohibited in any town cemetery except in conjunction with military funerals or specific memorial events permitted by the town board, the sexton, or other designees of the town board. At all other times, firearms, bows and arrows, slingshots, and other like articles are prohibited.
- F. **Visitors.**
  - 1. Visitors to town cemeteries are required to use existing walkways and roadways whenever possible.
  - 2. Except as provided in Section XVI, no person in any town cemetery may do any of the following:
    - a. Pick or cut any flowers, either wild or cultivated.
    - b. Injure any shrub, tree, or plant.
    - c. Mar or deface any monument, stone, or structure.
  - 3. No person, except the owner of the cemetery lot, a person with the cemetery lot owner's consent, or a person with the written consent of the town board or the sexton who is engaged in official cemetery management and care duties for the town, may do any of the following in a town cemetery:

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- a. Damage any grave or lot.
- b. Remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures.
- c. Remove, damage, or destroy any vases, flower pots, urns, or other objects that have been placed on any cemetery lot.
- d. Move or remove any cemetery equipment without the written consent of the town board or the sexton.
- e. Remove or damage any town cemetery property not included within subdivisions a. to d.
- 4. a. In this paragraph, "recreational activity" means any activity undertaken for the purpose of exercise, relaxation, or pleasure, including practice or instruction in any such activity. "Recreational activity" includes hunting, fishing, trapping, camping, bowling, billiards, picnicking, exploring caves, nature study, dancing, bicycling, horseback riding, horseshoe pitching, birdwatching, motorcycling, operating an all-terrain vehicle, ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, participation in water sports, weight and fitness training, sightseeing, rock climbing, cutting or removing wood, climbing observation towers, animal training, harvesting the products of nature, sport shooting, and any other sport, game, or educational activity.
- b. No person may loiter, cause a public nuisance, or engage in any sport or other recreational activity on any town cemetery property without the written consent of the town board or the sexton.
- G. **Vehicles.** 1. Motor vehicles traveling within any town cemetery may not exceed 15 miles per hour. No motor vehicle, except authorized maintenance vehicles for the town, shall be driven except on roadways designated for that purpose, nor shall any motor vehicles be driven in a reckless manner in the cemetery.
- 2. No person may ride, operate, or make use of any of the following vehicles in any cemetery unless the vehicles are present in conjunction with the town cemetery business or are authorized in writing by the town board or the sexton:
  - a. Snowmobiles.
  - b. Go-carts.
  - c. All-terrain vehicles.
  - d. Mopeds.
  - e. Motor bicycles.
  - f. Motorcycles.
  - g. Play vehicles and other amusement vehicles, including any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.
- 3. No person, without the written consent of the town board, or the sexton, may park or abandon any motor vehicle in any town cemetery on any grassy or seeded area or upon any other location except a designated parking area; nor shall any person park or abandon a motor vehicle on any town cemetery property for any purpose except engaging in official cemetery business. Any motor vehicle parked more than 24 hours, without written consent of the town board or the sexton, shall be declared abandoned by the town board and may be towed or removed, or caused to be towed or removed, by the town board or the sexton.
- I. **Protection of cemetery property.** No person without written consent of the town board or the sexton may do any of the following:
  - 1. Trap, hunt, kill, injure, or disturb, or attempt to trap, hunt, kill, injure, or disturb any animal, bird, or waterfowl, wild or domestic.
  - 2. Climb any tree.
  - 3. Break, cut down, trample upon, remove, or in any manner injure, deface, write upon, or damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign, or other property within any town cemetery, except as otherwise provided in this ordinance.
- J. **Littering, soliciting, and advertising prohibited.** No person may litter, dump, or deposit any rubbish, refuse, earth, or other material, including any placement of advertising, in any town cemetery without the written consent of the town board or the sexton.
- K. **Sound devices.** No person may operate or play any amplifying system or sound device in any town cemetery without the written consent of the town board or the sexton.
- L. **Authorized notices.** No person may post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object in any town cemetery, except with the written consent, or at the direction, of the town board or the sexton. No person shall remove, deface, or damage in any



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manner any sign or notice posted in any town cemetery by or at the direction of the town board or sexton unless approved by the town board or the sexton.

- M. **Working in cemetery.** All contractors or other persons having work in the town cemetery shall notify the town clerk or the sexton prior to commencement of the work. All contractors or others doing work in the town cemetery are responsible for the cost for any damages or losses resulting from the work and shall promptly, upon determination of the amount of damages or loss by the town board, pay that sum to the town board.

### SECTION XIII – TOWN CEMETERY BURIALS

- A. **Daylight burials.** Burials at any town cemetery shall be made only during daylight hours, unless with written approval of the town board or the sexton.
- B. **Outer containers.** All burials and reinterments, at any town cemetery, shall be made in a permanent outer burial container not constructed of wood.
- C. **Grave digging.** All graves at a town cemetery and any other cemetery in the town to be used for burials shall be opened and dug at no cost or expense to the town, but shall be under the direction of the town board or the sexton. The minimum depth of graves shall be established by the town board from time to time and all graves shall be dug in strict conformity with the town board policy then in effect. The town board or the sexton may charge the full cost for any grave digging and opening service provided by the town at any town cemetery, including the fees for the sexton or other designee of the town board, for staking the plot, if the town board has authorized the town or its officers, employees, contractors, or agents, including the sexton or other designees, to provide grave staking, grave openings, or digging services. The town board or the sexton may also establish charges for snowplowing and seasonal additional access costs to the lot owner incurred by the town to provide for burial or disinterment services. Arrangements for any disinterment or burial services, including payments due to the town, shall be made with the town clerk, the sexton, or other person designated by the town board at least 48 hours in advance of the service. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled and all surplus earth removed before 4:30 p.m. on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the town clerk or the sexton.
- D. **Burial permit.** No burial in the town cemetery shall be permitted until a legal burial permit has been issued by the town clerk or the sexton.
- E. **Maintenance of flowers, wreaths, and other personal items at burial sites.** There shall be no responsibility on the part of the town, its officers, employees, contractors, or agents, including the sexton or other designees of the town board, for the protection and maintenance of flowers, wreaths, plants, emblems, urns, family or personal items, memorials, or similar items used or placed at any town cemetery in conjunction with funerals or burials, including disinterments, or memorial events. The town board shall place or cause to have placed a notice of disclaimer of responsibility consistent with this subsection at vehicle access locations to each town cemetery.
- F. **Number of graves per lot.** No lot at any town cemetery may be used for the burial of more than one body except in the following circumstances:
1. Two remains from cremation shall be allowed in one lot with one headstone or two flat markers to be placed only in line with other stones.
  2. One full body and one remains from cremation shall be allowed in one lot, with one headstone or two flat markers to be placed only in line with other stones.
  3. All cremation remains shall be placed in a permanent outer burial container not constructed of wood.
- G. **Seasonal burial; duty to bury.** The town board or the sexton shall provide for cemetery services and burials at any town cemetery during each season, including winter, whenever practicable, in compliance with s. 157.114, Wis. stats. However, the town has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, unless those requesting burial or disinterment are or will be in full compliance with this ordinance, state law, and any bylaws and regulation established by the town board. The town board may, at its discretion, charge additional costs to the person requesting burial in order to provide safe and timely access to and from the grave or burial site during burial services.

### SECTION XIV – TOWN CEMETERY MONUMENTS AND MARKERS

- A. **Setting grave markers.** 1. Grave markers, monuments, and foundations at any town cemetery may be

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set only after the person desiring to set the marker, monument, or foundation obtains a permit therefor from the office of the town clerk or the sexton. Grave markers, monuments, and foundations at any town cemetery may be set by monument company employees or agents or other persons authorized by the lot owners, but not the town board or the sexton. Except as otherwise provided in this ordinance, under no conditions will the town board or the sexton construct monument or marker bases or erect monuments or markers on bases.

2. All markers and monuments must have a cement foundation. The construction of a foundation shall be of such size and design as will provide ample insurance against settlement or injury to the monument or marker as determined by the town board or the sexton. The top of the foundation shall be constructed flush with the ground line. Whenever possible, all markers shall be set with, at minimum, a 5-inch margin from the outer edges of the foundation.
3. The setting of grave markers, monuments, and foundations, and the transportation of all tools and related materials, within any town cemetery is subject to the supervision and control of the town board or the sexton. Unless special arrangements are made in writing with the town board or the sexton, such work shall be conducted between the hours of \_\_\_ a.m. and \_\_\_ p.m., Mondays through Fridays, except national holidays. Truck operation is not permitted within any town cemetery when, in the opinion of the town board or the sexton, the truck operation may cause damage to the driveways or other town cemetery property. Except with written permission of the town board or sexton, all work in the setting of grave markers, monuments, and foundations shall be completed promptly and debris removed immediately.

**B. Limitations.** All of the following apply to monuments and markers in town cemeteries:

1. The town board or the sexton may refuse permission to erect any monument, marker, or foundation not in keeping with the good appearance of the grounds at a town cemetery. The size of any monument or stonework must be provided to the town board or the sexton and approved before any work related to any monument, marker, or foundation will be permitted on a lot in a town cemetery.
2. Only one monument or marker shall be allowed per lot.
3. No foundation marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments so far as possible as directed by the town board or the sexton. Government service monuments or markers shall be surface mounted or attached to the monument or marker. No monument or marker may be more than 5 feet in height.
4. Temporary markers shall be removed or replaced with a permanent marker within one year of burial.
5. A preneed marker may be placed on a lot or group of lots before burial.
6. No materials other than granite, marble, or standard bronze may be used for outside and above-ground portions of any marker or monument.
7. Within one year after burial, a marker or monument identifying the burial shall be placed at the grave site. The town board or the sexton may require, at minimum, prior to burial, a deposit of \$1,000 payable to the town treasurer to insure timely placement of a proper marker or monument. The town reserves the right to place a marker or monument and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of such marker or monument.

**C. Removal of monuments.** A marker or monument, once placed at a town cemetery on its foundation, may not be removed, except by written permission of the town board or the sexton.

**D. Payment.** Any lot at a town cemetery must be paid in full to the town treasurer before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the town must be paid prior to burial.

## SECTION XV – TOWN CEMETERY VAULTS AND MAUSOLEUMS

Construction of vaults and mausoleums in any town cemetery is prohibited unless approved in writing by the town board.

## WISCONSIN TOWN LAW FORMS

### SECTION XVI – TREES, SHRUBS, AND FLOWERS AT TOWN CEMETERY

- A. **Tree and shrub planting.** The planting at any town cemetery of trees and shrubs on newly purchased lots or parts of lots is prohibited except by written consent of the town board or the sexton.
- B. **Large tree removal.** Lot owners may, with the written consent of the town board or the sexton, remove large trees on or adjacent to cemetery lots in any town cemetery that hinder the full usage of the lot. The expense of the tree and stump removal shall be paid for by the lot owners.
- C. **Fresh flowers and flags.** All flower baskets at grave or lot sites at a town cemetery shall be removed by October 15 of each year. Fresh cut flowers may be used in any town cemetery at any time. Containers for cut flowers are to be of a type that is 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. All flags placed on graves for Memorial Day shall be removed by the day following Flag Day of that year.
- D. **Potted plants.** Potted plants at any town cemetery may be set on lots, without disturbing the sod, if removed within 5 days after being set. If a potted plant is not removed within 5 days of being set on the lot, the potted plant may be picked up and destroyed by the town board or the sexton of the town or removed and preserved for planting within the town cemetery.
- E. **Artificial flower decorations; baskets.** Artificial flower decorations are prohibited in any town cemetery unless in a vase or pot and when so used will be treated as potted plants. Unfilled or unsightly baskets will be removed from the lot by the town board or the sexton.
- F. **Flower beds.** Individual flower beds or growing plants other than trees or shrubs are permitted at any town cemetery but must be of a reasonable size as determined by the town board or the sexton. In case of doubt, the town board or the sexton of the town should be consulted. Flower beds or growing plants that are not maintained, become unsightly or undesirable, or are not of a reasonable size as determined by the town board or the sexton will be removed by the town board or the sexton.
- G. **Plant or flower removal.** Plants or flowers planted in a town cemetery may not be taken up or removed by any person, nor cuttings removed therefrom, without written consent from the town board or the sexton, except that plants in flower beds and growing plants authorized under subsection F may be removed or cut by the person who planted the flower bed or growing plant.
- H. **Vine, wreath, and memorial removals.** Vines that interfere with the proper care of lots or graves or injure or damage the grass will be removed from any town cemetery by the town board or the sexton when found objectionable. No real or artificial wreaths, temporary or permanent, nor memorial or personal memorabilia items will be allowed on lots or graves without written consent of the town board or the sexton.

### SECTION XVII – MISCELLANEOUS

- A. **Neglected lots.** 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 town cemetery. The town board or the sexton may notify, or attempt to notify, in writing a lot owner that any lot, or monument or marker thereon, is being neglected and that failure to comply with this ordinance and town cemetery bylaws and regulations regarding proper care and management, or failure to correct a neglected lot, may be cause for imposition of forfeitures under s. 157.11 (2), Wis. stats.
- B. **Schedule of payments.** A schedule of the fees and charges for any town cemetery, as established by the town board by resolution shall be on file in the office of the town clerk. The town board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions.
- C. **Fee payment location.** All fees and charges for any town cemetery in the current schedule of fees and charges adopted under subsection B are payable to the town treasurer at the office of the town clerk, where receipts will be issued for the amounts paid.
- D. **Sexton.** The town board, by resolution, may designate, retain, or employ a person as sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance. The sexton may be a town employee or may, with proper insurance and indemnification protection for the town, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The town board, consistent with this ordinance, shall des-

## WISCONSIN TOWN LAW FORMS

ignite the authority, responsibility, and duties to the sexton by written resolution. The town board shall be responsible for proper supervision of the sexton.

- E. **Amendment of ordinance.** The town board reserves the right to amend this ordinance to conform with newly developed cemetery practices or any other legal purpose that the town board deems necessary and appropriate. Before this ordinance is amended, a public hearing shall be held on the proposed amendment before the town board. Notice of the public hearing shall be published in a local newspaper at least 10 days prior to the hearing.

### SECTION XVIII – PENALTIES

- A. **Citation.** The town board may establish a citation ordinance for enforcement of violations of this ordinance and for any bylaws or regulations.
- B. **Penalties.** Any person who violates any provision of this ordinance or any bylaws or regulations shall, upon conviction, be fined and shall forfeit for any bylaw or regulation violation under Section XI, subsection A, of this ordinance and s. 157.11 (2), Wis. stats., not more than \$10, and for a violation of this ordinance, not less than \$100 nor more than \$500 for each offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this ordinance. The town board may withhold the issuance of any town licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.
- C. **Abatement.** 1. In lieu of or in addition to any other penalty for a violation of this ordinance, if the violation consists of a physical condition, the town board may issue a written notice to the person responsible for the violation, if known, requiring the person responsible to [abate *or* remove] the violation within \_\_\_\_ days of receipt of the notice. Service of notice shall be by personal service or registered mail with return receipt requested.
2. If the person responsible for the violation of this ordinance is unknown or the person responsible has not [abated *or* removed] the violation within \_\_\_\_ days of receipt of the notice described in paragraph 1., the sexton, or some other person designated by the town board, may immediately abate or remove the violation in a manner approved by the town board. The cost of the abatement or removal may be recovered from the person responsible for the violation.
- D. **Injunctive relief.** In lieu of or in addition to any other penalty for a violation of this ordinance the town board may seek to enjoin any continuing violation of this ordinance as provided in ch. 813, Wis. stats.

### SECTION XVIII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Section 154.30, Wis. stats., makes provision for persons who “may control final disposition, including the location, manner, and conditions of final disposition,” and provides for a form to do so. Be aware that such a form could designate a burial location that is not under the control, under s. 157.10, Wis. stats., of the person making that designation, or his or heirs.

**\*\*Note:** If a town does not have a public nuisance ordinance, language similar to that contained in Section XI and XII of 29.038: Public nuisance ordinance [ss. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25 and ch. 823, Wis. stats.] may be adapted to this ordinance. When adopting language providing that illegal burials are a public nuisance, existing public nuisance ordinances should be reviewed to insure no inconsistency between the ordinances.

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### 167.10 (3): Fireworks permit

The following statutes affect this form: s. 167.10 (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_:

You, \_\_\_\_\_, of \_\_\_\_\_, are granted permission to purchase fireworks on and after \_\_\_\_\_, 20\_\_ [insert date], of the following kind and quantity \_\_\_\_\_ [insert type and amount] to be used on \_\_\_\_\_, 20\_\_ [insert date], at \_\_\_\_\_ [insert location]. This permit is restricted to the above conditions.

You are also to adhere to the following special conditions in Ordinance \_\_\_\_\_ [cite ordinance number or title, or both] for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin: [list special conditions].

[If a bond or liability insurance policy is required, add the following:]

You are also required to file a [bond or liability policy, whichever requested] in the name of the Town of \_\_\_\_\_, in the amount of \$\_\_\_\_\_, that will indemnify other persons for any injuries to person or property arising out of the use of the fireworks.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson or designee]

**Note:** See s. 167.10, Wis. stats., for other fireworks regulations. A copy of the permit shall be given to a town fire or law enforcement official at least 2 days before the date of authorized use. The bond or liability policy, if required, and a copy of the permit must be filed in the office of the town clerk.

### 170.07: Notice of finding money or goods

The following statutes affect this form: ss. 170.07 and 170.08, Wis. stats.

To [law enforcement agency for the town]:

**Notice is hereby given** that on \_\_\_\_\_, 20\_\_, the undersigned found, in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, the following-described [money or goods] of the value of \$25 or more, namely: [describe money or goods].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature]

**Notes:** If the value is less than \$100, the law enforcement agency shall post a notice of the found money or goods in 2 public places in the town. If the value is \$100 or greater, the finder shall cause a class 2 notice under ch. 985, Wis. stats., of the found goods to be published in the county.

Under s. 170.10, stats., if no owner of lost money or goods appears within 90 days after notice is given to the law enforcement agency of the city, village or town under s. 170.07 or 170.08, stats., the finder of the money or goods shall be the owner of the lost money or goods.

### 170.105: Resolution and notice of goods or money found by town employee or officer

The following statutes affect this form: s. 170.105, Wis. stats.

## WISCONSIN TOWN LAW FORMS

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town clerk shall post this resolution, with the below-noted Notice of found money or goods, in two public places in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin. The two public places for posting are the following: *[list locations]*.

### NOTICE OF FOUND GOODS OR MONEY

The Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has in its possession certain found money or goods, specifically: *[describe goods or money found]*.

The lawful owner of these found goods or money must appear within 90 days of the date of the posting of this notice and establish his or her right to the found goods or money. Upon determination by the town board or its designee of the ownership of these goods or money, the goods or money shall be promptly returned to the owner, subject to the owner making full payment to the town treasurer for any charges, costs, or expenses incurred by the Town of \_\_\_\_\_ as a result of its possession and management of these goods or money. If no owner of the found money or goods appears within the 90-day period, the goods or money shall become the property of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

### 943.13: Town buildings firearms ordinance

The following statutes affect this form: s. [943.13](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Town Buildings Firearms Ordinance. The purpose of this ordinance is to prohibit the carrying of firearms within buildings that are owned, occupied, or controlled by the town.

### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the authority under ss. [60.01 \(1\)](#), [60.22 \(1\)](#), [66.0107 \(2\)](#), and [943.13 \(1m\) \(c\) 4.](#), Wis. stats., to adopt this Town Buildings Firearms Ordinance.

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, prohibits the carrying of firearms within buildings that are owned, occupied, or controlled by the town and provides penalties, as provided in Section V.

## WISCONSIN TOWN LAW FORMS

### SECTION IV – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION SECTION V – CARRYING FIREARMS IN TOWN BUILDINGS PROHIBITED

- A. In this section, “carry” means to go armed with.
- B. 1. Except as provided in paragraph 2, the carrying of firearms of in any part of any building owned, occupied, or controlled by the town, excluding any building or portion of a building under s. 175.60 (16) (a), Wis. stats., is prohibited.\* The town shall provide notice to all actors not to enter or remain in the building while carrying a firearm as provided in paragraph 2.
- 2. The town clerk shall post and maintain in a prominent place near each the entrances to the part of each building to which the prohibition under paragraph 1 applies, a sign that is at least \_\_\_\_ inches by \_\_\_\_ inches\*\* that states: “Entering or remaining in this building while carrying a firearm is a violation of state law and the Town of \_\_\_\_ Town Buildings Firearms Ordinance. Violators may be prosecuted.” If only a part of a building is subject to the prohibition in paragraph 1, the sign shall be modified so as to notify a reader that the carrying of a firearm within the applicable part of the building is prohibited. All signs shall be posted and maintained so that any individual entering the building can be reasonably expected to see the sign.
- 3. This subsection does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.
- C. No person may, while carrying a firearm, enter or remain in any part of a building that is owned, occupied, or controlled by the town, excluding any building or portion of a building under s. 175.60 (16) (a), if the town has notified the actor not to enter or remain in the building while carrying a firearm. This subsection does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

### SECTION VI – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin and additionally as may be stated in a Town citation authority ordinance adopted per s. 66.0113, Wis. stats.

### SECTION VII – PENALTIES

The penalties under s. 943.13 (1m), Wis. Stats, are adopted by reference.

### SECTION VIII – SEVERABILITY

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

### SECTION XV – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.



## WISCONSIN TOWN LAW FORMS

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** This form may be adapted to prohibit the carrying of only certain types of firearms and to apply to only specified town buildings or parts of town buildings, as allowed by s. 943.13, Wis. stats.

This form incorporates the language of s. 943.13, Wis. stats., as close as possible. Section 943.13 does not apply to weapons other than firearms. Except to incorporate amendments to s. 943.13, alteration is not suggested. Under s. 943.13 (1e) (aL), Wis. stats., “‘Carry’ has the meaning given in s. 175.60 (1) (ag).” Under s. 175.60 (1) (ag), Wis. stats., “‘Carry’ means to go armed with,” and that definition is incorporated in this form.

**\*\*Note:** Section 943.13 (2) (bm) 1., Wis. stats., requires the sign to be at least 5 inches by 7 inches.

### Town Meetings

#### Subchapter III of chapter 60: Town meeting resolution

The following statutes affect this form: subch. III of ch. 60, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The town meeting of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the qualified electors present and voting, as set forth below, resolves as follows:

[State nature of resolution. See below for sample language for common resolution subjects.]

[If applicable] The [choose one: authority granted or directive made] to the town board under this resolution is [choose one: general or limited in the following ways: \_\_\_\_\_].

This resolution [choose one: is continuing or shall continue in effect until \_\_\_\_\_ [provide date].

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Attest: [Signature of town clerk]

Qualified electors present and voting:

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_

Qualified electors present and not voting:

**Note:** The following are suggestions for resolution language for common topics arising at town meetings.

**Adoption of village powers:** The town board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, is authorized to exercise the powers of a village board. [A grant of village powers must be a general and continuing grant of authority. See s. 60.10 (2) (c), Wis. stats.]

**Disposal of property:** The town board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, may dispose of the following parcel of real property: [provide property description].

## WISCONSIN TOWN LAW FORMS

Purchase of land: The town board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, may purchase the following: [*specify either land in general or particular properties*], [*if applicable*] for the following purposes: [*specify purposes*]. [*If applicable*] Purchases under this authorization may not exceed \$\_\_\_\_\_.

Construction of buildings: The town board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, may [*select one or more*: purchase, lease, or construct] the following buildings for the use of the town: [*describe buildings affected by the resolution*].

### 60.10 (2) (L): Authorizing town officers to receive hourly wage; resolution

The following statutes affect this form: ss. 60.10 (2) (L) and 60.37 (4), Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The town meeting of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by a majority vote of the eligible electors voting at [the annual town meeting *or* a special town meeting with notice] assembled and voting resolves and orders as follows:

- A. Except as provided in subsection B, an hourly wage of \$\_\_\_\_\_ per hour shall be paid under s. 60.37 (4), Wis. stats., to Town of \_\_\_\_\_ employees who are also elected town officers.
- B. The total amount of hourly wages paid under section A may not exceed \$5,000 per year for each such employee except that the total amount of hourly wages paid under section A to an employee who also serves the [town clerk or town treasurer *or* the town clerk/treasurer] may not exceed a total of \$15,000 per year.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats., within 30 days of the below-noted adoption date.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Number of town electors authorized to vote \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Abstain \_\_\_\_\_  
Not voting \_\_\_\_\_

[Signature of town meeting chairperson]

[Signature of town meeting clerk]

### 60.11 (7): Town meeting poll list

The following statutes affect this form: s. 60.11 (7), Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The following is a true and correct poll list as kept at a town meeting held in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 20\_\_, containing the names of all the persons voting at the meeting:

No.	Name and Address

## WISCONSIN TOWN LAW FORMS


Total number of ballots cast \_\_\_\_\_.

[Signature of town clerk]

**Note:** See also s. 60.15, Wis. stats.

### 60.12: Request for special town meeting

The following statutes affect this form: s. 60.12, Wis. stats.

To \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

You are hereby requested by the undersigned, \_\_\_\_\_ [state number] qualified voters of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, to call a special town meeting for the purpose of [here state particularly the purpose for which the meeting is to be held] to be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures]

**Note:** The number of electors must be equal to not less than 10% of the votes cast in the town for governor at the last general election. Special town meetings may also be called by a town meeting or held by action of the town board.

### 60.12 (3): Clerk's notice for special town meeting

The following statutes affect this form: s. 60.12 (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

**Notice is hereby given** that a special town meeting of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, will be held in the town at \_\_\_\_\_ [state address of meeting place] on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m., for the purpose of [state purpose as in request], a request for the meeting having been made to me in writing by \_\_\_\_\_ [state number] qualified voters of the town, being not less than 10% of the votes cast for governor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** The town clerk shall publish a class 2 notice of the meeting not more than 20 nor less than 15 days before the date of the meeting.

### 60.16 (1): Notice of first town meeting in newly organized town

The following statutes affect this form: s. 60.16 (1), Wis. stats.

The Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, newly organized, having failed to hold its first town meeting on the 3rd Tuesday of the first April after the town was organized, the undersigned, 3 qualified voters of the Town of \_\_\_\_\_, call a town meeting for the town and give notice that the meeting will be held at \_\_\_\_\_ [state the place] on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m.

## WISCONSIN TOWN LAW FORMS

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures]

**Note:** This notice shall be posted in at least 3 public places at least 10 days prior to the meeting date.

### Sanitary District

#### 60.71 (2): Petition for sanitary district

The following statutes affect this form: s. 60.71 (2), Wis. stats.

To the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

The undersigned, [constituting at least 51% of the persons owning real estate *or* the owners of at least 51% of the land] within the limits of the territory proposed to be organized into a town sanitary district, as described below, request that you establish a town sanitary district, to be known as Town Sanitary District No. \_\_\_\_ of the Town[s] of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, for the reasons that a sanitary district is necessary and that the public health, safety, convenience, and welfare will be promoted by the establishment of a district and that the property to be included in the district will be benefited by establishment of a sanitary district.

The boundaries of the territory to be included in the proposed sanitary district are as follows: *[insert legal description]*.

A plat *[or sketch]* showing the approximate area and boundaries of the proposed sanitary district is attached.

The following is a general outline of the proposed improvement: *[give general outline]*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of petitioners]\*

### VERIFICATION

STATE OF WISCONSIN

\_\_\_\_\_ County

\_\_\_\_\_, being first duly sworn, states on oath that [he *or* she] is one of the above petitioners, that the above petition was signed personally by the petitioners, and that the above petition is true and correct to the affiant's own knowledge, except as to matters stated on information and belief, which the affiant believes to be true.

[Signature of affiant]

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature and title of officer]

**Notes:** If a proposed sanitary district is within more than one town, the town board with the largest portion of the equalized value of taxable property within the district has exclusive jurisdiction to establish the sanitary district. The verification may be signed by one of the petitioners before any of the officials listed in s. 887.01 (1), Wis. stats. The petition must be filed with the town clerk.

\* Section 60.71 (2) (b), Wis. stats., provides, "One or more of the petitioners shall verify that the petition was signed personally by the persons whose signatures appear on the petition, or a person who signs a petition may have his or her signature notarized." When signatures are notarized, appropriate attestation by the notary must be added, such as:

## WISCONSIN TOWN LAW FORMS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, known to me to be the person who signed this petition, and acknowledged the same.

[Signature of notary public]  
Notary Public, State of Wisconsin  
My commission \_\_\_\_\_.

### **60.71 (3): Petitioner's bond on petition to establish a town sanitary district**

The following statutes affect this form: s. 60.71 (3), Wis. stats.

We, [state the name of the principals], as principals, and [state the name of the sureties], as sureties, of \_\_\_\_\_ County, Wisconsin, jointly and severally undertake and agree that the principals will pay to the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, all the expenses connected with the proceedings upon the petition of the principals to establish a town sanitary district in the town as provided by s. 60.71, Wis. stats., in case the town board refuses to establish a sanitary district.

[Signatures and seals]

In presence of:

[Signatures of 2 witnesses]

### **APPROVAL OF BOND**

The above bond was approved by the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, at its meeting held on \_\_\_\_\_, 20\_\_\_\_.

[Signature of town clerk]

### **60.71 (4) (b): Notice of hearing on petition for establishment of town sanitary district**

The following statutes affect this form: s. 60.71 (4) (b), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

**Notice is hereby given** that a hearing on a petition for the establishment of a town sanitary district, to be known as Town Sanitary District No. \_\_\_\_ of the Town[s] of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, will be held at \_\_\_\_\_ [town hall or some other proper place] at \_\_\_\_ o'clock \_\_\_\_ m., on \_\_\_\_\_, 20\_\_\_\_. The boundaries of the proposed district are as follows: [define boundaries].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signature of town clerk]

**Note:** Notice of hearing must be published as a class 2 notice under ch. 985, Wis. stats., and mailed at least 10 days prior to the hearing to the State of Wisconsin, Department of Safety and Professional Services and Department of Natural Resources.

### **60.71 (6) (c): Order establishing town sanitary district**

The following statutes affect this form: s. 60.71 (6) (c), Wis. stats.

STATE OF WISCONSIN

## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

A petition, addressed to the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, requesting the establishment of a town sanitary district in the Town[s] of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having been filed with the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and on proper notice a public hearing having been held on the petition at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and the bond required by law having been filed and approved; and

After consideration of all objections to the proposal and the reasons in favor of it, the undersigned Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, declare and find that the petition is signed by the requisite owners of real estate, as provided in s. 60.71 (2), Wis. stats., that the proposed work is necessary, that the public health, safety, convenience, and welfare will be promoted by the establishment of a town sanitary district, and that the property included in the district will be benefited by the establishment of the district;

Now, therefore, it is ordered that a town sanitary district is hereby organized. The corporate name of the district is Town Sanitary District No. \_\_\_\_ of the Town[s] of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin. The boundaries of the town sanitary district are established as follows: *[describe boundaries]*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

**Note:** A copy of the order must be filed with the State of Wisconsin, Department of Natural Resources and the register of deeds of the county where the district is located. See s. 60.71 (7), Wis. stats.

### 60.74 (4): Petition to elect, instead of appoint, sanitary district commissioners

The following statutes affect this form: s. 60.74 (4), Wis. stats.

#### PETITION

To \_\_\_\_\_, clerk, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

The undersigned electors of Town Sanitary District No. \_\_\_\_ of the Town[s] of \_\_\_\_\_ petition the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, that the sanitary district commissioners be elected instead of appointed. The commissioners shall first be elected at [a special election *or* the spring election] as provided in s. 60.74 (4), Wis. stats.

Signature	Street Address	Municipality for Voting	Date

#### AFFIDAVIT

##### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, of *[insert address of residence with street and number]*, being duly sworn, says that I personally circulated the petition and personally obtained each of the signatures; that I know that the signers are electors of the jurisdiction or district in which the petition is circulated; that I know that the signers signed the paper with full knowledge of its content; that I know the signers' respective residences given; that I know that each signer signed on the date

## WISCONSIN TOWN LAW FORMS

stated opposite his or her name; that I reside within the jurisdiction or district in which the petition is circulated; and that I am aware that falsifying this affidavit is punishable under ss. 12.13 (3) (a) and 946.32 (1) (a), Wis. stats.

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of officer administering oath]

**Note:** The petition must be signed by qualified electors of the districts equal to at least 20% of the votes cast for governor in the district at the last gubernatorial election. See s. 60.74 (4) and (6), Wis. stats.

### 60.74 (5): Petition to appoint, instead of elect, sanitary district commissioners

The following statutes affect this form: s. 60.74 (5), Wis. stats.

#### PETITION

To \_\_\_\_\_, clerk, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

The undersigned electors of Town Sanitary District \_\_\_\_\_ of the Town[s] of \_\_\_\_\_ petition the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, that the district commissioners be appointed instead of elected.

Signature	Street Address	Municipality for Voting	Date

#### AFFIDAVIT

STATE OF WISCONSIN

\_\_\_\_\_ County

\_\_\_\_\_, of [insert address of residence with street and number], being duly sworn, says that I personally circulated the petition and personally obtained each of the signatures; that I know that the signers are electors of the jurisdiction or district in which the petition is circulated; that I know that the signers signed the paper with full knowledge of its content; that I know the signers' respective residences given; that I know that each signer signed on the date stated opposite his or her name; that I reside within the jurisdiction or district in which the petition is circulated; and that I am aware that falsifying the affidavit is punishable under ss. 12.13 (3) (a) and 946.32 (1) (a), Wis. stats.

[Signature of affiant]

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of officer administering oath]

**Note:** For number of required signatures, see the note to 60.74 (4): Petition to elect, instead of appoint, sanitary district commissioners.

## Beverages and Tobacco

### 66.0433: License for sale of nonintoxicating beverages

The following statutes affect this form: s. 66.0433, Wis. stats.



## WISCONSIN TOWN LAW FORMS

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, having produced to the undersigned, town clerk of the Town of \_\_\_\_\_, a receipt showing the payment of \$ \_\_\_\_\_ to the treasurer of the town, in conformity with an order of the board made on \_\_\_\_\_, 20\_\_;

This is to certify that in pursuance of the order, a license is granted to \_\_\_\_\_ to sell at [retail *or* whole-sale] beverages containing less than one-half of one percent of alcohol by volume, on the following described premises: [*describe*].

This license will expire on \_\_\_\_\_, 20\_\_, unless sooner revoked.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### 66.0433 (1): Order granting licenses for sale of nonintoxicating beverages

The following statutes affect this form: s. 66.0433 (1), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, \_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has applied to the town board for a license to sell at [retail *or* wholesale] beverages containing less than one-half of one percent of alcohol by volume to be consumed [on *or* off] the premises where sold on the following described premises within the town: [*describe premises*];

It is ordered as follows:

1. That the application for the license applied for be granted, upon payment of the following license fee: \$ \_\_\_\_\_;
2. That the town clerk sign and deliver the license to each license applicant, upon producing to the clerk a receipt, showing the payment to the town treasurer of the license fee required under this order.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 77.61 (11): Tobacco products retailer license

The following statutes affect this form: ss. 77.61 (11) and 134.65, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having done all of the following:

1. Filed with the undersigned town clerk a complete application for a tobacco products retailer license.
2. Paid the license fee of \$ \_\_\_\_\_ [*amount may not be less than \$5 nor more than \$100*] to the treasurer of the town.

## WISCONSIN TOWN LAW FORMS

3. Submitted the proof required under s. 77.61 (11), Wis. stats.

And the application having been granted by the town board on \_\_\_\_\_, \_\_\_\_\_, 20\_\_;

A tobacco products retailer license is granted to \_\_\_\_\_ to sell cigarettes, electronic vaping devices, and tobacco products under s. 134.65, Wis. stats., on the following premises in the town: *[describe premises]*.

The license will expire on June 30, 20\_\_, unless sooner revoked.\*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*\*Note: Under s. 134.65 (2) (b), Wis. stats., a town may opt to issue licenses that expire one year from issuance rather than expiring on June 30 of each year.*

### Chapter 125: Department of Revenue alcohol license application forms

The following statutes affect this form: ch. 125, Wis. stats.

*Note: Forms related to alcohol beverage licensing are available from the State of Wisconsin, Department of Revenue, Madison, Wisconsin. Electronic copies of many of these forms may be downloaded, and additional information may be obtained at the following website:*

<https://www.revenue.wi.gov/Pages/AlcoholBeverage/home.aspx>

### 125.04 (6) (e): Schedule of fees for alcohol-related licenses; ordinance

The following statutes affect this form: ss. 125.04 (6) (e) and (12) (a) and (b), 125.17 (3) and (5) (c), 125.18 (3), 125.185 (3), 125.25 (4), 125.26 (4) to (6), 125.28 (4), 125.51 (2) (d), (3) (e) 1. to 6., (3m) (e), (9) (b), and (10) (a), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of \_\_\_\_\_ Alcohol-Related License Fee Ordinance. The purpose of this ordinance is to establish a schedule of the fees for all types of alcohol-related licenses issued by the town.

#### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under those specific sections of ch. 125, Wis. stats., stated next to the name of the license listed in the Schedule of Fees for Alcohol-Related Licenses set forth below to establish fees for alcohol-related licenses issued by the town.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, adopts the Schedule of Fees for Alcohol-Related Licenses set forth below and establishes the fees for alcohol-related licenses issued by the town as stated therein.

#### SECTION IV – SCHEDULE OF FEES

## WISCONSIN TOWN LAW FORMS

[Type of license] [Statutory fee authorization] [Amount of fee]

### SECTION V – SEVERABILITY

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

### SECTION VI – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### Schedule of Fees for Alcohol-Related Licenses

Name of License	Statute	Fee
(Insert actual fee amount set by town board in rows 3 to 21)		
1. Approval of Successor Corporate Agent	s. 125.04 (6) (e)	\$10.00
2. Transfer of license from place to place	s. 125.04 (12) (a)	\$10.00
3. Transfer of license from person to person	s. 125.04 (12) (b)	None
4. Operator's License (bartenders)	s. 125.17 (3)	At discretion of town board*
5. Provisional operator's license	s. 125.17 (5) (c)	Shall not exceed \$15
6. Manager's License	s. 125.18 (3)	Shall not exceed \$25 per year
7. Provisional Retail License	s. 125.185 (3)	Shall not exceed \$15
8. Class "A" Fermented Premise License	s. 125.25 (4)	At discretion of town board *
9. Class "B" Fermented Premise License	s. 125.26 (4)	May not exceed \$100 per year
10. Six-month Class "B" Fermented License	s. 125.26 (5)	50% of annual Class "B" fee
11. Temporary Class "B" Picnic License	s. 125.26 (6)	May not exceed \$10 per event
12. Fermented Malt Beverage Wholesalers License	s. 125.28 (4)	May not exceed \$2500 per year
13. "Class A" Intoxicating Premise License	s. 125.51 (2) (d)	Minimum of \$50 and maximum of \$500 per year
14. "Class B" Intoxicating Premise License	s. 125.51 (3) (e) 1.	Minimum of \$50 and maximum of \$500 per year

# WISCONSIN TOWN LAW FORMS

15. "Class B" Intoxicating Premise License issued to bona fide club or lodge situated and incorporated in the state for at least 6 years	s. 125.51 (3) (e) 1.	No minimum and maximum of \$500 per year
16. Reserve "Class B" Intoxicating Premise License	s. 125.51 (3) (e) 2.	Minimum initial issuance fee of \$10,000
17. Reserve "Class B" Intoxicating Premise License issued to bona fide club or lodge situated and incorporated in the state for at least 6 years	s. 125.51 (3) (e) 2.	No minimum initial issuance fee required for bona fide clubs
18. "Class B" Exception to Quota Premise License for restaurant with seating over 300 or hotel with 50 sleeping rooms and restaurant of 150 or banquet hall of over 400 seating under s. 125.51 (4) (v)	s. 125.51 (3) (e) 3.	Initial Issuance fee at discretion of town board*
19. Reserve "Class B" Intoxicating Premise License transferred from one municipality to another and issued after its transfer under s. 125.51 (4) (e), as set by the transferring municipality	s. 125.51 (3) (e) 4.	Minimum initial issuance fee of \$10,000
20. Reserve "Class B" Intoxicating Premise License issued in connection with an economic development project within a premier economic development district	s. 125.51 (3) (e) 6.	Minimum initial issuance fee of \$30,000
21. "Class C" Wine Premise License	s. 125.51 (3m) (e)	Shall not exceed \$100 per year
22. Six-month "Class A" Intoxicating Premise License	s. 125.51 (9) (b)	50% of annual "Class A" fee
23. Temporary "Class B" Wine Picnic License	s. 125.51 (10)	May not exceed \$10/event **

**\*Note:** Under s. 66.0628, Wis. stats., any fee must bear a reasonable relationship to the service for which the fee is imposed.

**\*\*Note:** If a temporary Class "B" fermented malt beverage license and a temporary "Class B" wine license are issued for the same event, then only one fee may be imposed. See ss. 125.26 (6) and 125.51 (10) (a), Wis. stats.

**\*\*\*Note:** Class "A", Class "B" and "Class A", "Class B", and "Class C" premise licenses issued for less than a year must be prorated for remaining portion of year. See ss. 125.25 (4), 125.26 (4), and 125.51 (9), Wis. stats.

## 125.04 (12) (a): Transfer of license from place to place

The following statutes affect this form: s. 125.04 (12) (a), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

In consideration of the payment of the \$10.00 transfer fee, and on application of \_\_\_\_\_, of the town, for a transfer of the [intoxicating liquor *or* fermented malt beverage] license to sell [*describe class of license*] at [*describe premises now covered by the license*], and consent of the licensee and the sureties having been given that the license bond shall cover the premises to which transferred, the license of \_\_\_\_\_ is transferred from the premises now covered to the following described premises within the town: [*describe premises to which the license will be transferred*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## WISCONSIN TOWN LAW FORMS

[Signatures of town board]

Attest: [Signature of town clerk]

### 125.04 (12) (b): Transfer of license from person to person

The following statutes affect this form: s. 125.04 (12) (b), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, [spouse *or* personal representative *or* trustee *or* receiver] of \_\_\_\_\_ [the current licensee], having filed with the undersigned, town clerk, an application for a person-to-person transfer of the [intoxicating liquor *or* fermented malt beverage] license to sell [describe class of license] at [describe premises] from \_\_\_\_\_, the current licensee now [disabled *or* deceased *or* assigning for the benefit of creditors *or* subject to bankruptcy proceedings], to \_\_\_\_\_, [spouse *or* personal representative *or* trustee *or* receiver] of \_\_\_\_\_, we hereby transfer the license from \_\_\_\_\_ the current licensee, to \_\_\_\_\_, [spouse *or* personal representative *or* trustee *or* receiver] of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 125.10: Alcohol control ordinance

The following statutes affect this form: s. 125.10, Wis. stats.

(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Alcohol Control Ordinance. The purpose of this ordinance is for the town to regulate specific actions at or near any alcohol beverage retail locations in the town.

#### SECTION II – AUTHORITY

The town board has the authority under s. 125.10, Wis. stats., and under its village powers under s. 60.22 (3), Wis. stats., to regulate the sale at retail or wholesale of alcoholic beverages at premises in the town, to the extent that town regulations are not in conflict with state statutes, specifically including the regulation of underage and intoxicated persons at alcohol beverage retail sale licensed premises in the town and the issuance, renewal, revocation, suspension, and regulation of alcohol retail sale or wholesale sale, licenses, or permits, along with the penalties for violations of this ordinance.

#### SECTION III – ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of actions and activities at or near alcohol retail sales premises located in the town and for regulatory and enforcement authority noted in this ordinance.

## WISCONSIN TOWN LAW FORMS

### SECTION IV – DEFINITIONS

- A. “Alcohol beverages” means fermented malt beverages, wine, and intoxicating liquor.
- B. “Controlled substance” means a drug, substance, or immediate precursor included in Schedules I to V of subch. II of ch. 961, Wis. stats.
- C. “Fermented malt beverage” means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.
- D. “Intoxicated person” means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.
- E. “Intoxicating liquor” means all ardent, spiritous, distilled, or vinous liquors, liquids, or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, that are beverages, but does not include fermented malt beverages that contain less than 5% of alcohol by weight.
- F. “Legal drinking age” means 21 years of age.
- G. “License” means an authorization to sell alcohol beverages at retail or wholesale issued by the town board or its agent under this ordinance.
- H. “Licensee” means any person issued a license under this ordinance and ch. 125, Wis. stats., by the town.
- I. “Open for business” means conducting a business publicly at least \_\_\_\_\_ hours per calendar year.
- J. “Permit” means any permit issued by the town under this ordinance.
- K. “Permittee” means any person issued a permit by the town under this ordinance.
- L. “Person” means a natural person, sole proprietorship, partnership, limited liability, company, corporation, association, or the owner of a single-owner entity that is disregarded as a separate entity under ch. 71, Wis. stats.
- M. “Premises” means the area described in a license or permit.
- N. “Regulation” means any rule or ordinance adopted by a municipal governing body.
- O. “Retail” means the sale of any alcohol beverages in the town to any person other than a person holding a permit or a license under this ordinance and ch. 125, Wis. stats.. “Retailer” means any person who sells, or offers for sale, any alcohol beverages in the town to any person other than a person holding a permit or a license under this ordinance and ch. 125, Wis. stats..
- P. “Sell,” “sold,” “sale,” or “selling” means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme, or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.
- Q. “Soft drink” means any liquid capable of being used for beverage purposes containing any degree of alcohol less than one-half of one percent by volume.
- R. “Tavern” means any premises at which fermented malt beverages or intoxicating liquor are sold for consumption upon said premises.
- S. “Town” means the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- T. “Town board” means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board.
- U. “Town clerk” means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- V. “Town chairperson” means the chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- W. “Under the influence” means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition that is the result of indulging to any degree in alcohol beverages and that tends to deprive a person of the clearness of intellect and control of himself or herself that he or she would otherwise possess.
- X. “Underage person” means a person who has not attained the legal drinking age.
- Y. “Wis. stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.
- Z. “Wholesale” means the sale, other than by a brewer, manufacturer, or rectifier, of alcohol beverages to a licensed retailer in the town or to another person who holds a permit or license to sell alcohol beverages in the town at wholesale.
- ZA. “Wine” means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe

## WISCONSIN TOWN LAW FORMS

grapes, other fruits, or other agricultural products, imitation wine, and compounds sold as wine, vermouth, cider, perry, mead, and sake, if such products contain 0.5% or more of alcohol by volume.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – DISCIPLINE; HEARING PROCESS

- A. In the event any alcohol beverage retail or wholesale sale licensee or permittee violates this ordinance or ch. 125, Wis. stats., the town board may take disciplinary action, including permit or license suspension for not less than 10 nor more than 90 days, or permit or license revocation or nonrenewal. Any license or permit that has been revoked shall not be reinstated within the following 12 months. Any disciplinary action taken by the town board shall follow notice to the licensee or permittee prior to a hearing in accordance with subsection B. The hearing notice shall include the reason for the hearing. The hearing decision of the town board shall be sent by first class mail to the licensee’s last known address, or personally served, at the town chairperson’s option.
- B. In the event disciplinary action is taken against an alcohol beverage retail or wholesale sale licensee or permittee, the procedure mandated under s. 125.12, Wis. stats., or its successor, will be followed.\*
- C. There shall be no refund of any alcohol beverage retail or wholesale sale license or permit fee paid to a party whose license is revoked or suspended under this ordinance.
- D. In lieu of a hearing, the board may accept surrender of the alcohol beverage retail or wholesale sale license or permit and the board shall then determine the time period before another application for the same type of license or permit will be accepted from the former licensee or permittee.
- E. Evidence and testimony at the hearing shall be given in open session. The town clerk shall post or arrange to post the hearing notice or publish in a format acceptable to the town chairperson.
- F. Unless no disciplinary action, including reprimand or probation, is ordered by the town board, the alcohol retail sale or wholesale licensee or permittee shall reimburse the town for costs of personal service, mailing, faxing, copies, and any per diem paid for a town officer to attend the hearing or other meeting due to a license violation. Unpaid costs assessed under this subsection shall accrue interest at the rate of 5% per annum if unpaid after 30 days. Payment is required before any future alcohol retail or wholesale sale license or permit is issued or reinstated to the license or permit holder.

### SECTION VII – COMPLIANCE CONDITIONS

- A. It is unlawful for any person to sell or keep for sale at wholesale or retail, or permit to be sold or kept for sale at wholesale or retail, within the town any alcohol beverage or soft drink, except in strict accordance with the provisions of this ordinance and state law. The issuance of any license or permit to any person under this ordinance and ch. 125, Wis. stats., is contingent upon full compliance with this ordinance and ch. 125, Wis. stats., by the licensee or permittee. Any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under this ordinance or ch. 125 or 139, Wis. stats., or where persons are permitted to drink alcohol beverages in violation of this ordinance and ch. 125, Wis. stats., is a public nuisance and may be closed until the activity in violation of this ordinance is abated. When the activity is abated, the building or place may be used for any lawful purpose.
- B. It is unlawful for a licensee, permittee, or any employee, operator, or manager of a tavern or other licensed or permitted establishment to be under the influence of an intoxicant, or a controlled substance or a combination of an intoxicant and a controlled substance, while performing services on the licensed or permitted premises of the town.
- C. It is unlawful for any person, including any owner, tenant, employee, operator, or manager of a tavern, who has engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct in a



town tavern premises under circumstances in which that conduct tended to cause or provoke a disturbance and who has been ordered by the town board or a law enforcement officer not to enter or to remain in a tavern or other licensed or permitted establishment to so enter or remain during any period after having been ordered not to enter or remain by a law enforcement officer. An order prohibiting entry under this subsection may prohibit entry for a period up to 6 months.

- D. As a condition of maintaining and keeping an alcohol beverage retail sale license for a tavern in the town, any licensee of a tavern premise must stay open for business and continue in business and demonstrate business continuance satisfactory to the town board. Issuance or retention of a license by a party not open for business and not demonstrating business continuation is declared by this ordinance to be against public policy of the town. A determination by the town board that a person is not demonstrating business continuation establishes grounds for suspension or revocation of the alcohol beverage retail sale license. The town board shall issue a summons and set a hearing to determine whether the license shall be suspended or revoked under this subsection. The hearing shall be held not later than 30 days after it is issued. The town board may elect to make its decision effective on a later date. The procedure for the hearing shall be in accordance with s. 125.12, Wis. stats. Testimony of any party, any eviction notice, court documentation, or other valid evidence of such actions may be presented. All testimony shall be under oath. A person who was licensed or permitted for the tavern premises for an alcohol beverage retail tavern is not demonstrating business continuation if any of the following is demonstrated:
  1. The person has not done business in the tavern premises for at least \_\_\_\_ consecutive days.
  2. The person has voluntarily vacated the premises more than \_\_\_\_ days before the hearing held under this subsection.
  3. The person was ordered by a court of competent jurisdiction to vacate the premises at least \_\_\_\_ days before the hearing held under this subsection.
- E. A license or permit shall not be denied on the grounds that the applicant lacks good moral character, unless there is evidence that the applicant would, if granted an initial or renewed license or permit, pose a threat to the safety or welfare of patrons of the licensed or permitted establishment in which he or she would be employed. The following will be considered grounds for a determination that an applicant lacks good moral character:
  1. Suspension or revocation of a Class A, Class B, Operator's, or Manager's License under ch. 125, Wis. stats., or this ordinance, or dismissal from a bartending job if all of the following apply:
    - a. There is a relationship between the reasons for the suspension, revocation, or dismissal and the applicant's ability to competently tend bar without endangering the safety or welfare of the patrons of the premises where the applicant will tend bar under the authority of the applied-for license or permit.
    - b. The suspension, revocation, or dismissal occurred within a year of the date of the application, or there has been more than one such suspension, revocation, or dismissal within 3 years of the date of the application.
  2. Conduct exhibiting the use, within 3 years of the date of the application, of alcoholic beverages or controlled substances, to an extent or in a manner dangerous to any other person, or to an extent that such use would impair the applicant's ability to competently tend the tavern business.
  3.
    - a. The applicant has habitually been a law offender or has been convicted of a felony and the circumstances of the crime or crimes substantially relate to the circumstances of the permitted or licensed activity, unless the person has been legally pardoned.
    - b. The applicant is subject to a pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the permitted or licensed activity.
    - c. The applicant has been convicted of one or more of the following:
      - i. Manufacturing, distributing, or delivering a controlled substance or controlled substance analog under s. 961.41 (1), Wis. stats.
      - ii. Possessing, with intent to manufacture, distribute, or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m), Wis. stats.
      - iii. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or delivering a controlled substance or controlled substance analog under a federal law that is substantially similar to s. 961.41 (1) or (1m), Wis. stats.
      - iv. Possessing, with intent to manufacture, distribute, or deliver, or manufacturing, distributing, or deliver-

## WISCONSIN TOWN LAW FORMS

ering a controlled substance or controlled substance analog under the law of another state that is substantially similar to s. 961.41 (1) or (1m), Wis. stats.

4. If any town committee, or local law enforcement, recommends to the town board denial of an Operator's License or Manager License or other license or permit on the basis provided under this ordinance, the applicant shall be given the opportunity to present evidence of rehabilitation. Such evidence may include, but is not limited to, letters of recommendation, evidence of family stability or educational advancement, satisfactory work performed, professional counseling, and participation in community activities.
5. If a license or permit is denied by the town board, the applicant shall have the right to file an appeal with the town clerk within 30 days of the date of the decision, and to appear and be represented by legal counsel before the town board, to be heard, to present evidence in favor of the granting of the license or permit, and to rebut the evidence presented in opposition to the granting of the license or permit. The hearing on the appeal shall be held within 40 days of the filing of the appeal. Notice of the time and place of the hearing on the appeal shall be mailed by the town clerk to the applicant by certified mail at least 10 days before the date of the hearing. The town board shall, after the hearing, comply with ch. 125, Wis. stats. by providing in writing the reasons for its decision to grant or not grant a license or permit. The town board shall comply with s. 125.12, Wis. stats., in the denial, revocation, suspension, or nonrenewal of a license or permit.
- F. It is a condition of any license or permit issued under this ordinance that the licensed or permitted premises, delivery vehicles, and any of the business books of account, bank statements, billings, invoices, and any other documents relating specifically to the licensed or permitted business may be entered and inspected at any reasonable hour by any law enforcement officer of the town without any warrant, and application for a license or permit under this ordinance shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license or permit issued under this ordinance and shall be deemed a violation of this subsection.
- G. No licenses or permits may be granted under this ordinance or under ch. 125, Wis. stats., unless the town board, by a vote of the majority of the members-elect of the town board, authorizes the issuance of the license or permit. The town board shall meet not later than May 15 of each year and be in session from day to day thereafter, so long as it may be necessary for the purpose of action upon applications for licenses and permits as may be presented to them on or before April 15, and all applications for licenses so filed shall be granted or denied not later than June 15 for the ensuing license year.

### SECTION VIII – UNDERAGE AND INTOXICATED PERSONS/DISORDERLY HOUSE/AFTER HOURS

- A. **Sale of Alcohol Beverages to Underage Persons; Restrictions.** 1. No person may procure for or sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.
  2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.
  3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This paragraph does not apply to alcohol beverages used exclusively as part of a religious service.
- B. **Intoxicated Persons.** 1. No person may procure for or sell, dispense, or give away alcohol beverages to an intoxicated person.
  2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with an intoxicated person.
  3. No licensee or permittee may permit an intoxicated person to be on a licensed or permitted premise.
- C. **Disorderly House.** No licensee or permittee in charge and control of a licensed or permitted premises shall keep or maintain a disorderly or riotous, indecent, or improper tavern or licensed or permitted establishment.
- D. **After hours.** No licensee or permittee shall permit any person to be present on the premises operated under a Class "A," "Class A," or "Class C" license or under a Class "B" or "Class B" license or permit during hours when the premises are not open for business unless these persons are performing job-related activities.
- E. **Unsanitary or Unsafe Conduct.** No licensee or permittee in charge and control of a tavern shall fail to keep or maintain a tavern or other licensed or permitted premise in a sanitary and safe condition after written notice by the State of Wisconsin, Department of Health and Family Services or the town board.

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### SECTION IX – PENALTIES

- A. A person who commits a violation of this ordinance is subject to a forfeiture of:
1. Not more than \$\_\_\_\_\_ if the person has not committed a previous violation within 30 months of the violation.
  2. Not more than \$\_\_\_\_\_ if the person has committed one previous violation within 30 months of the violation.
  3. Not more than \$\_\_\_\_\_ if the person has committed 2 previous violations within 30 months of the violation.
  4. Not more than \$\_\_\_\_\_ if the person has committed 3 or more previous violations within \_\_\_\_\_ months of the violation.
- B. For purposes of determining whether a previous violation has occurred, if more than one violation occurs at the same time, all those violations shall be counted as one violation.
- C. Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

### SECTION X – SEVERABILITY

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

### SECTION XI – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

*\*Note: Section 125.12 (2) (ar), Wis. stats., requires personal service of the hearing notice (summons) and complaint, and a hearing within 3 to 10 days thereafter. In the event the permittee or licensee cannot be found, the summons may be published once in a newspaper of general circulation deemed most likely to provide notice to the license holder.*

### **125.12 (2): Nonrenewal, revocation, or suspension of license; notice**

The following statutes affect this form: s. 125.12 (2) and (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_:

It appearing to the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, from the evidence presented that you sell [describe type of sale, as in license] in the town under a Class [A or B or C] license and that you violated [ch. 125, Wis. stats. or the following regulation adopted under s. 125.10, Wis. stats., or both: [specify violation as in complaint and nonappearance, if applicable], you are notified that your license is [revoked or suspended for \_\_\_\_\_ days or not renewed].

WISCONSIN TOWN LAW FORMS

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**125.12 (2): Nonrenewing, revoking, or suspending license order**

The following statutes affect this form: s. 125.12 (2) and (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, on \_\_\_\_\_, 20\_\_, complaint was made to the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, in writing, under oath, by \_\_\_\_\_, a resident of the town, that \_\_\_\_\_, who sells [describe type of sale, as in license] in the town, under a Class [A or B or C] license granted to the licensee by the town board, on \_\_\_\_\_, 20\_\_, violated [ch. 125, Wis. stats., or the following regulation adopted under s. 125.10, Wis. stats., or both: specify the violation as in complaint]; and

Whereas, a summons was issued commanding the licensee to appear before the town board of the town on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_\_\_m., at \_\_\_\_\_ [state place]; and \_\_\_\_\_, having been served with the summons and [not having appeared as required, we, the town board, deeming the allegations of the complaint sufficient or \_\_\_\_\_, having appeared and denied the complaint;]

Now, after hearing the evidence produced by [the complainant or each party] upon the issue, we find the complaint [to be true and order that the license granted to \_\_\_\_\_ is (revoked or suspended for \_\_\_\_ days or not renewed) or to be untrue, and order the complaint dismissed or to be untrue, and that the complaint was made by \_\_\_\_\_ maliciously and without probable cause, and we order that the complaint be dismissed, and that the costs, amounting to \$\_\_\_\_\_, shall be paid by \_\_\_\_\_].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**125.12 (2) (ag): Complaint for revocation or suspension of license**

The following statutes affect this form: s. 125.12 (2) (ag), Wis. stats.

To the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

The undersigned, \_\_\_\_\_, a resident of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, makes complaint against \_\_\_\_\_, of the town, who is licensed to sell [describe kind of license] on the following described premises [describe them] in the town, and alleges [that the licensee has violated ch. 125, Wis. stats., or a regulation adopted under s. 125.10, Wis. stats., (specify violation) or that the licensee keeps or maintains a disorderly or riotous, indecent or improper house or that the licensee has sold or given away alcohol beverages to known habitual drunkards or that the licensee does not possess the qualifications required under ch. 125, Wis. stats., to hold the license]. [State fully the facts relied upon to sustain complaint.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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STATE OF WISCONSIN

\_\_\_\_\_ County

\_\_\_\_\_, being duly sworn, says that the foregoing complaint is true.

[Signature]

Subscribed and sworn to before me, this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature and title of officer]

\*[*Security for costs* (Optional) We hereby undertake to pay all costs of the proceedings against \_\_\_\_\_, upon the above complaint, if the same is, upon hearing, found to be malicious and made without probable cause.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of sureties]

**\*Note:** Board may require security. See s. 125.12 (2) (b), Wis. stats.

### 125.12 (2) (ar): Summons

The following statutes affect this form: s. 125.12 (2) (ar), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

The State of Wisconsin, to any peace officer of the town:

Whereas, complaint was made in writing, under oath, to the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by \_\_\_\_\_, a resident of the town, that \_\_\_\_\_, who sells [*describe kind of license*] in the town, under a license granted pursuant to law, has violated [ch. 125, Wis. stats., or the following regulation adopted under s. 125.10, Wis. stats., or both: *specify violation or otherwise as in complaint*];

You are commanded to summon \_\_\_\_\_, who is commanded to appear before the Town Board of the Town of \_\_\_\_\_ at \_\_\_\_\_ [*state place*] on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_\_\_m., [*not less than 3 nor more than 10 days from date of summons*] to show cause why the license should not be [*revoked or suspended or nonrenewed*].

Given under my hand, by order of the town board, this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### 125.12 (3m): Refusal to issue license; notice

The following statutes affect this form: s. 125.12 (3m), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

To \_\_\_\_\_:

It appearing to the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, that a Class [A or B or C] alcohol beverage license should not be issued to you for the reason that [*specify the grounds for denial*], you are notified that said license will not be issued.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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[Signatures of town board]

Attest: [Signature of town clerk]

### 125.17: Application for operator's license

The following statutes affect this form: s. 125.17, Wis. stats.

I, \_\_\_\_\_, of \_\_\_\_\_, make application for an operator's license under s. 125.17, Wis. stats., to sell alcohol beverages in a place operated for the sale of alcohol beverages, and I agree that I will comply with all laws, resolutions, ordinances, and regulations, state, federal, and local, affecting the sale of alcohol beverages, if a license is granted to me.

I certify that I am a person over 18 years of age and that I have successfully completed a responsible beverage server training course.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of applicant]

**Note:** See s. 125.17 (4) and (5), Wis. stats., for issuance of temporary and provisional operator's licenses.

### 125.17: Operator's license to sell alcohol beverages

The following statutes affect this form: s. 125.17, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

Application having been filed by \_\_\_\_\_, of \_\_\_\_\_, for an operator's license under s. 125.17, Wis. stats., and it appearing that the applicant is a person over 18 years of age who has successfully completed a responsible beverage server training course [if the town has adopted an ordinance pursuant to s. 125.17 (5) (a), Wis. stats., regarding licensing standards, add: and meets all the standards established by ordinance by the Town of \_\_\_\_\_] and has paid the required fee of \$\_\_\_\_\_;

An Operator's License is granted to \_\_\_\_\_ to sell alcohol beverages in a place operated for the sale of alcohol beverages in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

This license expires on June 30, 20\_\_, unless sooner revoked.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** See s. 125.04 (5) and (6), Wis. stats., for license qualifications. See ss. 125.32 and 125.68, Wis. stats., for general license restrictions and requirements.

### 125.17 (1): Designating municipal official to issue operator's licenses; ordinance

The following statutes affect this form: s. 125.17 (1), Wis. stats.

**Note:** Section 125.17 (1), Wis. stats., allows town boards to designate by ordinance municipal officials to issue operators' licenses. The Wisconsin Towns Association has developed a sample ordinance designating municipal officials as

## WISCONSIN TOWN LAW FORMS

officials authorized to issue operators' licenses. Electronic copies of the sample ordinance may be found in the Ordinances and Resolutions section of the Information Library of the Town Association website at:

<https://www.wisctowns.com/information-library/>

### 125.17 (5) (a) 1.: Provisional operator's license ordinance

The following statutes affect this form: s. 125.17 (5) (a) 1., Wis. stats.

**Note:** Section 125.17 (5) (a) 1., Wis. stats., requires town boards that issue operators' licenses to issue provisional operators' licenses. In doing so, the town board may adopt an ordinance setting forth the standards under which these provisional licenses may be issued. The Wisconsin Towns Association has developed a sample provisional operator's license ordinance. Electronic copies of the sample ordinance may be found in the Ordinances and Resolutions section of the Information Library of the Towns Association website at:

<https://www.wisctowns.com/information-library/>

### 125.185: Provisional retail license ordinance

The following statutes affect this form: s. 125.185, Wis. stats.

**Note:** Section 125.185, Wis. stats., requires town boards that issue retail alcohol licenses to issue provisional retail alcohol licenses. In doing so, the town board may adopt an ordinance setting forth the standards under which these provisional licenses may be issued. The Wisconsin Towns Association has developed a sample provisional retail alcohol license ordinance. Electronic copies of the sample ordinance may be found in the Ordinances and Resolutions section of the Information Library of the Towns Association website at:

<https://www.wisctowns.com/information-library/>

### 125.25: Retailer's Class "A" license, fermented malt beverages

The following statutes affect this form: s. 125.25, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having filed with the undersigned town clerk an application for a retailer's Class "A" license to sell fermented malt beverages, that has been published as required by s. 125.04 (3), Wis. stats., and having produced a receipt showing the payment of \$ \_\_\_\_\_ to the treasurer of the town, and the application having been granted by the town board on \_\_\_\_\_, 20\_\_;

A retailer's Class "A" license is granted to \_\_\_\_\_ to sell fermented malt beverages under s. 125.25, Wis. stats., on the following premises in the town only for consumption off the premises where sold and in the original packages, containers, and bottles: *[describe them]*.

This license will expire on June 30, 20\_\_, unless sooner revoked.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Notes:** See ss. 125.04 (5) and (6) and 125.25 (2) (b), Wis. stats., for provisions regarding applications and qualifications for licenses. See s. 125.32, Wis. stats., for general license restrictions and requirements.



## WISCONSIN TOWN LAW FORMS

*Licenses for months or fractions of months may be granted, with prorated fees under s. 125.25 (4).*

### **125.26: Retailer's Class "B" license, fermented malt beverages**

The following statutes affect this form: s. 125.26, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having filed with the undersigned town clerk an application for a retailer's Class "B" license to sell fermented malt beverages, that has been published as required by s. 125.04 (3), Wis. stats., and having produced a receipt showing the payment of \$\_\_\_\_\_ to the treasurer of the town, and the application having been granted by the town board on \_\_\_\_\_, 20\_\_ [*fee shall not exceed \$100 per year; nonrenewable license may be issued for 6 months for one half of the license fee*];

A retailer's Class "B" license is granted to \_\_\_\_\_ to sell fermented malt beverages, under s. 125.26, Wis. stats., on the following premises in the town either to be consumed on the premises where sold or off the premises: [*describe the premises*].

This license will expire on June 30, 20\_\_, unless sooner revoked.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Notes:** See ss. 125.04 (5) and (6) and 125.26 (2) (b), Wis. stats., regarding applications and qualifications for licenses. See s. 125.32, Wis. stats., for general license restrictions and requirements.

*Six-month licenses and licenses for months or fractions of months may be granted, with prorated fees under s. 125.26 (4) or (5).*

### **125.26 (6): Temporary Class "B" license, fermented malt beverages for particular gathering or picnic**

The following statutes affect this form: s. 125.26 (6), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Written application having been made to the Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by \_\_\_\_\_ [*name of bona fide club, county or local fair association or agricultural society, church, lodge, or society that has been in existence for at least 6 months before the date of application, or veterans' organization posts*] for a Temporary Class "B" License to sell fermented malt beverages for the period and at the premises described in the application, and the applicant having paid the required fee of \$\_\_\_\_\_ [*not to exceed \$10*];

A Temporary Class "B" License is granted to \_\_\_\_\_ to sell at retail at the following premises: [*describe them*], for the following period: [*state period*], fermented malt beverages subject to the limitations imposed by law. [*If applicable, state: Licensee is authorized to permit underage persons to be upon the described premises during the effective period of this license.*]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

## WISCONSIN TOWN LAW FORMS

### 125.26 (6): Temporary retail license ordinance

The following statutes affect this form: ss. [125.26 \(6\)](#) and [125.51 \(10\)](#), Wis. stats.

**Note:** The Wisconsin Towns Association has developed a sample temporary retail alcohol license ordinance setting forth standards under which the clerk or his or her designee may issue temporary Class “B” beer and temporary “Class B” wine licenses, also known as “picnic licenses,” without prior town board approval. Electronic copies of the sample ordinance may be found in the Ordinances and Resolutions section of the Information Library of the Towns Association website at:

<https://www.wisctowns.com/information-library/>

### 125.51 (2): Retail “Class A” intoxicating liquor license

The following statutes affect this form: s. [125.51 \(2\)](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having filed with the undersigned town clerk an application for a Retail “Class A” license to sell intoxicating liquor, that has been published as required by s. [125.04 \(3\)](#), Wis. stats., and having produced a receipt showing the payment of \$\_\_\_\_\_ to the treasurer of the town, and the application having been granted by the town board on \_\_\_\_\_, 20\_\_;

A Retail “Class A” license is granted to \_\_\_\_\_ to sell intoxicating liquor under s. [125.51 \(2\)](#), Wis. stats., on the following premises in the town only for consumption off the premises where sold and in the original packages, containers, and bottles: *[describe them]*.

This license will expire on June 30, 20\_\_, unless sooner revoked.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Note:** Six-month licenses and licenses for months or fractions of months may be granted, with prorated fees under s. [125.51 \(9\)](#).

### 125.51 (3): Retail “Class B” intoxicating liquor license

The following statutes affect this form: s. [125.51 \(3\)](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having filed with the undersigned town clerk an application for a Retail “Class B” license to sell intoxicating liquors, that has been published as required by s. [125.04 \(3\)](#), Wis. stats., and having produced a receipt showing the payment of \$\_\_\_\_\_ to the treasurer of the town, and the application having been granted by the town board on \_\_\_\_\_, 20\_\_;

A Retail “Class B” license is granted to \_\_\_\_\_ to sell intoxicating liquors under s. [125.51 \(3\)](#), Wis. stats., to be consumed by the glass only on the premises licensed and not in the original package or container, except wine may be sold in the original package or otherwise in any quantity to be consumed off the premises and intoxicating liquors may be sold by the glass for consumption off the premises if the licensee seals the container of intoxicating

## WISCONSIN TOWN LAW FORMS

liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises, on the following premises: *[describe the premises]*.

This license expires on the last day of June, 20\_\_, unless sooner revoked.

Dated this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

**Notes:** Town boards may elect to issue licenses under s. 125.51 (3) (b), Wis. stats., which permits holders to sell liquors to be consumed by the glass on the premises, and in an original package or container for off-premises consumption.

A separate license is required for each place of business. See s. 125.04 (9), Wis. stats. See also s. 125.04 (5) and (6) and 125.28 (2) (b), Wis. stats., provisions regarding applications and qualifications for licenses. See s. 125.32, Wis. stats., for general license restrictions and requirements.

See s. 125.51 (3) (e) 2., Wis. stats., for provisions related to a “Reserve ‘Class B’ License,” which is defined by s. 125.51 (4) (a) 4., Wis. stats., as “a license that is not granted or issued by a municipality on December 1, 1997, and that is counted under par. (br) [s. 125.51 (4) (br), Wis. stats.].”

Six-month licenses and licenses for months or fractions of months may be granted, with prorated fees under s. 125.51 (9).

### **125.51 (3) (b): Ordinance allowing sales of alcohol in closed containers by “Class B” license holders**

The following statutes affect this form: s. 125.51 (3) (b), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 125.51 (3) (b), Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides that any holder of a “Class B” intoxicating liquor license may sell intoxicating liquor in the original package or container, in any quantity, for consumption off the premises where sold.

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **125.51 (3) (e) 4.: Grant of request for transfer of reserve “Class B” license to other municipality**

The following statutes affect this form: s. 125.51 (3) (e) 4. and (4), Wis. stats.

STATE OF WISCONSIN

## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, s. 125.51 (4) (e) 1., Wis. stats., authorizes a municipality to request another municipality that is located in the same county to transfer to it a reserve “Class B” license, as defined in s. 125.51 (4) (a) 4., Wis. stats., that is held by the other municipality; and

Whereas, the [select one City or Village or Town] of \_\_\_\_\_ [insert name of municipality] is located in the same county as the Town and has requested that the Town transfer to it a reserve “Class B” license held by the Town; and

Whereas, the Town currently has a quota of \_\_\_\_ [insert total number of licenses authorized to be issued prior to the transfer] “Class B” licenses, as determined under s. 125.51 (4), Wis. stats., that the Town is authorized to issue; and

Whereas, \_\_\_\_ [insert total number of reserve licenses held by the town prior to the transfer] of the Town’s quota of “Class B” licenses are reserve “Class B” licenses, as determined under s. 125.51 (4), Wis. stats., that may be transferred to another municipality under s. 125.51 (4) (e), Wis. stats.

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The Town transfers to the [select one City or Village or Town] of \_\_\_\_\_ [insert name of municipality] \_\_\_\_ [insert the number of licenses transferred] reserve “Class B” license(s), in accordance with s. 125.51 (4) (e), Wis. stats.

By the transfer of \_\_\_\_ [insert the number of licenses transferred] reserve “Class B” license(s) to the [select one City or Village or Town] of \_\_\_\_\_ [insert name of municipality], the Town reduces its quota of “Class B” licenses from \_\_\_\_ [insert total number of “Class B” licenses authorized to be issued prior to the transfer] to \_\_\_\_ [insert total number of “Class B” licenses authorized to be issued prior to the transfer less the number of reserve licenses transferred] and reduces the total number of reserve “Class B” licenses held by the town from \_\_\_\_ [insert total number of reserve licenses held by the town prior to the transfer] to \_\_\_\_ [insert total number of reserve licenses held by the town prior to the transfer less the number of reserve licenses transferred].

Pursuant to s. 125.51 (3) (e) 4., Wis. stats., the Town establishes the fee for the initial issuance of the reserve “Class B” license by the [select one City or Village or Town] of \_\_\_\_\_ [insert name of municipality] as \$\_\_\_\_ [an amount not less than \$10,000]. Upon receipt of the fee from the licensee, the Town by the [select one City or Village or Town] of \_\_\_\_\_ [insert name of municipality] shall remit the fee to the Town as provided under s. 125.51 (4) (e) 3., Wis. stats.

The town clerk shall provide for the delivery of this resolution to the clerk of the [select one City or Village or Town] of \_\_\_\_\_ [insert name of municipality], which resolution shall constitute the Town’s approval of and transfer under s. 125.51 (4) (e), Wis. stats., to the [select one City or Village or Town] of \_\_\_\_\_ [insert name of municipality] of the reserve “Class B” license.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

WISCONSIN TOWN LAW FORMS

**125.51 (3m): Retail “Class C” wine license**

The following statutes affect this form: s. 125.51 (3m), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, having filed with the undersigned town clerk an application for a Retail “Class C” license to sell wine in accordance with s. 125.51 (3m), Wis. stats., that has been published as required by s. 125.04 (3), Wis. stats., and having produced a receipt showing the payment of \$\_\_\_\_\_ to the treasurer of the town, and the application having been granted by the town board on \_\_\_\_\_, 20\_\_;

A Retail “Class C” license is granted to \_\_\_\_\_ to sell wine by the glass or in an opened original container to be consumed on the following premises within the town: *[describe]*.

This license expires on the last day of June, 20\_\_, unless sooner revoked.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

**Note:** Six-month licenses and licenses for months or fractions of months may be granted, with prorated fees under s. 125.51 (9).

**125.51 (4) (a) 4.: Request for transfer of reserve “Class B” license to town**

The following statutes affect this form: s. 125.51 (4) (a) 4. and (e), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, s. 125.51 (4) (e) 1., Wis. stats., authorizes the Town to request another municipality that is located in the same county as the Town to transfer to the Town a reserve “Class B” license, as defined in s. 125.51 (4) (a) 4., Wis. stats., that is held by the other municipality; and

Whereas, the *[select one City or Village or Town]* of \_\_\_\_\_ *[insert name of municipality]* is located in the same county as the Town and holds a reserve “Class B” license.

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The Town requests that the *[select one City or Village or Town]* of \_\_\_\_\_ *[insert name of municipality]* transfer to the Town a reserve “Class B” license, as defined in s. 125.51 (4) (a) 4., Wis. stats., in accordance with s. 125.51 (4) (e), Wis. stats.

The town clerk shall provide for the delivery of this resolution to the clerk of the *[select one City or Village or Town]* of \_\_\_\_\_ *[insert name of municipality]*, which resolution shall constitute the Town’s request under s. 125.51 (4)

## WISCONSIN TOWN LAW FORMS

(e), Wis. stats., to the [select one City or Village or Town] of \_\_\_\_\_ [insert name of municipality] to transfer a reserve “Class B” license to the Town.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 125.51 (10): Temporary “Class B” intoxicating liquor license for particular gathering or picnic

The following statutes affect this form: s. 125.51 (10), Wis. stats.

*Note: 125.51 (6): Temporary Class “B” license, fermented malt beverages for particular gathering or picnic may be modified and used.*

## Budgeting and Revenue

### 66.0517 (3) (b): Certificate to state treasurer for charges against railroad lands

The following statutes affect this form: s. 66.0517 (3) (b), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To the Secretary of Administration, State of Wisconsin:

I, \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certify that the attached is a certified copy of the account of the Commissioner of Noxious Weeds for the Town of \_\_\_\_\_, that the sum of \$\_\_\_\_\_ is justly chargeable to \_\_\_\_\_ [insert name of railroad] as a proper charge under s. 66.0517, Wis. stats., for the expense of destroying noxious weeds on the grounds belonging to \_\_\_\_\_ [insert name of railroad] in the Town of \_\_\_\_\_, for the year 20\_\_, by the Commissioner of Noxious Weeds for the Town of \_\_\_\_\_. You are requested to collect the sum of \$\_\_\_\_\_ from \_\_\_\_\_ [insert name of railroad] and return the amount collected to the Town of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### 66.0602 (3) (h) 2. b.: Resolution authorizing exceeding levy increase limit for certain joint emergency services charges

The following statutes affect this form: s. 66.0602 (3) (h) 2. b., Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 66.0602 (3) (h) 2. b., Wis. stats., to adopt this resolution.

## WISCONSIN TOWN LAW FORMS

This resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves as follows:

The levy increase limit otherwise applicable to the town under s. 66.0602, Wis. stats., may be exceeded to pay for charges assessed by \_\_\_\_\_ [the joint fire department or joint emergency medical services district], but only to the extent that the amount levied to pay for such charges would cause the town to exceed the limit that is otherwise applicable under s. 66.0602, Wis. stats.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 66.0605: Resolution for town audit

The following statutes affect this form: s. 66.0605, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

A financial audit of the Town of \_\_\_\_\_ shall be completed and a report of the results prepared by \_\_\_\_\_, acting for the town board. The audit shall commence by \_\_\_\_\_, 20\_\_, and be completed by \_\_\_\_\_, 20\_\_, unless that completion date is waived by the town board in writing. The audit shall specifically address the following: *[list specific officers, departments, boards, commissions, functions, or activities to be audited]*.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 66.0607 (3): Resolution authorizing signatures for certain disbursements or withdrawals

The following statutes affect this form: s. 66.0607 (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 66.0607 (3), Wis. stats., to adopt this resolution.

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides that



## WISCONSIN TOWN LAW FORMS

\_\_\_\_\_ is authorized to sign [*select one or both* 1. drafts or order checks for the purpose of disbursing funds from demand deposits *or* 2. transfer orders for the purpose of withdrawing funds from savings or time deposits] of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

This resolution is effective on publication or posting.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **66.0608 (2m): Protective services maintenance of effort**

The following statutes affect this form: s. 66.0608 (2m), Wis. stats.

**Note:** Information about compliance with protective services maintenance of effort requirements is available at the Department of Revenue website at the following address:

<https://www.revenue.wi.gov/Pages/FAQS/slf-moerpt.aspx>

### **66.0608 (3m): Volunteer funds of fire, emergency medical services practitioner, or emergency medical responder departments ordinance**

The following statutes affect this form: s. 66.0608 (3m), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of \_\_\_\_\_ Department Volunteer Funds Ordinance. The purpose of this ordinance is to authorize the town \_\_\_\_\_ [*choose one or more*: 1. fire department, 2. emergency medical services practitioner department, or 3. emergency medical responder department] to hold “volunteer funds” in the name of the department.

#### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 66.0608 (3m), Wis. stats. to adopt this ordinance.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, authorizes the town \_\_\_\_\_ [*choose one or more*: 1. fire department, 2. emergency medical services practitioner department, or 3. emergency medical responder department] to hold volunteer funds in the name of the department as provided in this ordinance.

#### SECTION IV – DEFINITIONS

In this ordinance:

## WISCONSIN TOWN LAW FORMS

- A. "Public depository" means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state that receives or holds any public deposits or the local government pooled-investment fund.
- B. "Volunteer funds" means funds of a municipality that are raised by employees of the town's \_\_\_\_\_ department, by volunteers, or by donation to the department for the benefit of the department.

### SECTION V – ACCOUNTS

The \_\_\_\_\_ [*designate employee or official who is authorized to deposit funds, such as town fire chief (italicize)*] is authorized to deposit volunteer funds of the department in an account in the name of the \_\_\_\_\_ department in [choose one: 1. any public depository or 2. the following public depository(ies): \_\_\_\_\_]. The \_\_\_\_\_ department, through \_\_\_\_\_ [*employee or official previously designated (italicize)*], shall have exclusive control over the expenditure of volunteer funds of the department, subject to Section VI.

### SECTION VI – LIMITATIONS ON ACCOUNTS (optional)\*

- A. 1. The type of funds that may be deposited into the account described in Section V is restricted to: [*list type, for example, donations received from individuals (italicize)*]  
2. The amount of funds that may be deposited into the account described in Section V is limited to \$\_\_\_\_\_.
- B. 1. The amount of withdrawals of volunteer funds from the account described in Section V that may be made is limited to \$\_\_\_\_\_.
- 2. The purposes for which withdrawals of volunteer funds from the account described in Section V may be made are limited as follows: [*for example (italicize)*]
  - a. Withdrawals and expenditures may be made for any purpose that promotes the ability of the \_\_\_\_\_ department to provide services for which it is organized as determined by a majority vote of the members of the \_\_\_\_\_ department.
  - b. [*other purposes for which withdrawals may be made*]
- C. The \_\_\_\_\_ department is subject to the following reporting and auditing requirements: [*for example (italicize)*]
  - 1. The \_\_\_\_\_ [*employee or official designated in Section V (italicize)*] shall provide the town board with quarterly statements of the department's volunteer funds as of the end of March, June, September, and December of each calendar year. The statements shall be provided within 30 calendar days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.
  - 2. \_\_\_\_\_ department accounts shall be included in the annual audit of town funds and shall be audited in the same manner as other town funds.

### SECTION VII – SEVERABILITY

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

### SECTION VIII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

## WISCONSIN TOWN LAW FORMS

[Signatures of town board]

Attest: [Signature of town clerk]

**\*Note:** Section 66.0608 (3m) (b), Wis. stats., provides:

66.0608 (3m) (b) *Limitations, requirements.* An ordinance enacted under par. (a) may include any of the following limitations or requirements:

1. A limit on the type and amount of funds that may be deposited into the account described under par. (a) 1.
2. A limit on the amount of withdrawals from the account described under par. (a) 1. that may be made, and a limit on the purposes for which such withdrawals may be made.
3. Reporting and audit requirements that relate to the account described under par. (a) 1.

### 66.0615: Room tax ordinances

The following statutes affect this form: s. 66.0615, Wis. stats.

*Below are websites containing actual room tax ordinances adopted by various municipalities throughout the state. Except where otherwise specified, each municipality's website has a link to the municipality's ordinances. The listing below indicates where in the municipality's ordinances the room tax provisions are located at the time of this publication's printing. The links to these ordinances are provided as samples only and their inclusion does not serve as a certification by the State of Wisconsin, the Legislative Reference Bureau, or the Wisconsin Towns Association of the legal validity, availability for use or reproduction, or copyright status of the listed ordinances.*

Town of Buffalo, Marquette County

Chapter 14—Room Tax

<https://www.co.marquette.wi.us/departments/zoning/town-of-buffalo>

Town of Bayfield, Bayfield County

Located on the page titled "Forms & Permits"

<https://townofbayfieldwi.gov/>

City of Wisconsin Dells

Chapter 4—Finance & Public Records, section 4.10

<https://www.citywd.org>

Town of Monroe, Adams County

Unnumbered item entitled "Room Tax Ordinance"

<https://townofmonroeadamscowi.com>

Village of Egg Harbor

Chapter 114—Room Tax

<https://www.villageofegggharbor.org>

City of Lake Geneva

Chapter 70—Taxation, under Article III

<https://ecode360.com/14148898>

### 66.0627: Resolution and notice of special charges

The following statutes affect this form: s. 66.0627, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

## WISCONSIN TOWN LAW FORMS

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

A special charge to \_\_\_\_\_, a landowner in the Town of \_\_\_\_\_, for the following services is made under s. 66.0627, Wis. stats.: *[list special services]*.

Charges and costs incurred by the Town of \_\_\_\_\_ for the above-described special services shall be fully reimbursed and paid by the landowner to the Town of \_\_\_\_\_ by \_\_\_\_\_, 20\_\_. These special services were provided by the Town of \_\_\_\_\_ or its agents on the following described real property in the Town of \_\_\_\_\_: *[legal description]*.

If the full amount of the special charge is not timely paid by \_\_\_\_\_, 20\_\_, the unpaid special charge shall be considered delinquent and shall become a lien on the above-noted real property as of the date of delinquency and shall be included in the current or next tax roll for collection and settlement by the Town of \_\_\_\_\_ under ch. 74, Wis. stats.

*[Choose one of the following alternatives. See s. 66.0627 (3) (b), Wis. stats., for hearing requirements.]*

(Alternative 1) No public hearing and notice of public hearing was required regarding this special charge.

(Alternative 2) A public hearing, on proper notice under s. 66.0627 (3) (b), Wis. stats., regarding the special charge was held on \_\_\_\_\_, 20\_\_.

The town clerk shall serve this resolution upon the landowner by regular first class mail, as the town's notice to the landowner under s. 66.0627 (3) (a), Wis. stats.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

### **66.0627: Resolution and notice of special charge against property in adjacent municipality**

The following statutes affect this form: ss. 66.0627 and 66.0707, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

A special charge to \_\_\_\_\_, an owner of real property in the [City or Village or Town] of \_\_\_\_\_, an adjacent municipality that is served by current services rendered by the Town of \_\_\_\_\_, is made under s. 66.0627, Wis. stats., if the [City or Village or Town] of \_\_\_\_\_, the municipality in which the property is located, approves by resolution the imposition of the special charge. The owner of the property is entitled to the use and enjoyment of the following services for which the special charge is imposed on the same conditions as owners of property within the Town of \_\_\_\_\_: *[list special services]*.

Charges and costs incurred by the Town of \_\_\_\_\_ for the above-described special services shall be fully reimbursed and paid by the landowner to the Town of \_\_\_\_\_ by \_\_\_\_\_, 20\_\_. These special services were provided by

## WISCONSIN TOWN LAW FORMS

the Town of \_\_\_\_\_ or its agents on the following described real property in the Town of \_\_\_\_\_: *[insert legal description]*.

If the full amount of the special charge is not timely paid by \_\_\_\_\_, 20\_\_, the unpaid special charge shall be considered delinquent and shall become a lien on the above-noted real property as of the date of delinquency and shall be included in the current or next tax roll for collection and settlement by the [City or Village or Town] of \_\_\_\_\_ under ch. 74, Wis. stats., in the same manner as the taxes of that municipality and paid over by the treasurer to the treasurer of the Town of \_\_\_\_\_.

*[Choose one of the following alternatives. See s. 66.0627 (3) (b), Wis. stats., for hearing requirements.]*

(Alternative 1) No public hearing and notice of public hearing was required regarding this special charge.

(Alternative 2) A public hearing, on proper notice under s. 66.0627 (3) (b), Wis. stats., regarding the special charge was held on \_\_\_\_\_, 20\_\_.

The town clerk shall serve this resolution upon the [City or Village or Town] of \_\_\_\_\_, the municipality in which the property is located, with a request for its approval of the special charge hereunder, and upon the landowner by regular first class mail, as the town's notice to the landowner under s. 66.0627 (3) (a), Wis. stats.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

### **66.0703: Assessor's plat resolution**

The following statutes affect this form: ss. 66.0703 and 70.27, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and declares as follows:

Whereas, the town board has municipal jurisdiction over the lands described as follows:

*[insert legal description (italicize)]*; and

Whereas, the town board finds and determines pursuant to s. 70.27, Wis. stats., that the above-described lands or lands and the buildings, improvements, and fixtures on that land meet the criteria for the making of an assessor's plat under s. 70.27, Wis. stats., in that the description of the different parcels within the above-described lands or lands and the buildings, improvements, and fixtures on that land cannot be made sufficiently certain and accurate for the purposes of assessment, taxation, or tax title procedures without noting the correct metes and bounds of the same, or that gross errors exist in lot measurements or locations so that difficulty is encountered in locating new structures, public utilities, or streets; and

Whereas, the town board determines that the making of an assessment plat for the above-described lands or lands and the buildings, improvements, and fixtures on that land will be a local improvement for which the town may charge to the titleholders of the parcels included within the above-described lands *[add if applicable: (italicize preceding phrase)]*

## WISCONSIN TOWN LAW FORMS

including \_\_\_\_\_ County, Wisconsin, pursuant to s. 66.0705, Wis. stats.,] the costs and expenses of the making of an assessment plat for the above-described lands or lands and the buildings, improvements, and fixtures on that land;

The town board resolves and orders as follows:

1. An assessor's plat for the above-described lands or lands and the buildings, improvements, and fixtures on that land shall be made for the above-noted purposes pursuant to s. 70.27, Wis. stats.
2. Initially the costs and expenses for making of the assessor's plat shall be paid by the town.
3. All of the above-described lands, whether now platted or unplatted parcels, without inclusion of improvements within the assessor's plat, shall be charged with the costs and expense incurred by the town in the making of the assessor's plat and the individual titleholders of the parcels contained within the assessor's plat shall be required to reimburse the town for their share of the actual and necessary costs and expenses incurred by the town in making the assessor's plat that are not paid in whole or in part by other financial sources, as determined by the town board.
4. The actual and necessary costs and expenses incurred by the town in the making of the assessor's plat that are not timely paid by the titleholders of the parcels contained within the assessor's plat or in whole or in part by other financial sources, as determined by the town board as provided in paragraph 3 above, shall be collected from the titleholders of the parcels contained within the assessor's plat by the town board and charged, if necessary, as a special assessment against the parcels contained within the assessor's plat as provided by s. 66.0703, Wis. stats., or any successor provision.
5. The town clerk shall notify by mailing, not later than 5 days after adoption of this resolution, a copy of this resolution to all titleholders of record of any parcel, within the above-described lands, for which record title is held by the titleholders on the date of adoption of this resolution.
6. The town clerk shall, not later than 5 days after adoption of this resolution, file a lis pendens with the Register of Deeds for \_\_\_\_\_ County, Wisconsin, on the parcels within the above-described lands.
7. When completed, the assessor's plat shall be filed with the town clerk. The sworn certificate of the surveyor who made the plat that meets the requirements of s. 70.27 (7), Wis. stats., shall be appended to the title page of the assessor's plat.
8. Within 2 days after the assessor's plat is filed with the town clerk, the town clerk shall transmit the assessor's plat to the State of Wisconsin, Department of Administration.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 66.0703 (2): Preliminary resolution to levy special assessments for improvements

The following statutes affect this form: s. 66.0703 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town intends to engage in the following special improvements: *[list specific improvements]*.

A special assessment district is to be created consisting of the following area: *[specifically describe the area]*.

Special assessments of special benefits will be levied against property in the district. [Special assessments may be paid

## WISCONSIN TOWN LAW FORMS

in \_\_\_\_\_ installments *or* Special assessments may be paid in installments, the number of installments to be determined on a later date after a public hearing].

\_\_\_\_\_ [designate a town officer or employee] shall make a report to the board as to the project and assessments containing all of the following:

- A. [Preliminary *or* Final] plans and specifications.
- B. An estimate of the entire cost of the proposed work or improvement.
- C. [Choose Alternative 1 or 2, as applicable.]

(Alternative 1) An estimate, as to each parcel of property affected, of all of the following:

- 1. The assessment of benefits to be levied.
- 2. The damages to be awarded for property taken or damaged.
- 3. The net amount of the benefits over damages or the net amount of the damages over benefits.

(Alternative 2) A statement that the property against which the assessments are proposed is benefited, if the work or improvement constitutes an exercise of the police power. [If this alternative applies, the estimates required under Alternative 1 shall be replaced by a schedule of the proposed assessments.]

[If the proportion of the cost to be assessed is to be limited, the resolution should so specify.]

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 66.0703 (7): Notice of hearing on resolution to levy special assessments for improvements

The following statutes affect this form: s. 66.0703 (7), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

The town board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has adopted a resolution that certain public work or improvements be carried on in the town, specifically [describe what is to be done]; that a special assessment district be created consisting of [specify the general boundary lines], that special assessments shall be levied against property in the district; and [that the special assessments may be paid in \_\_\_\_\_ installments *or* that the number of installments will be determined after the public hearing on the project]; and

\_\_\_\_\_, of the town, has made and filed with the town clerk a report containing the plans and specifications of the project, an estimate of the entire cost of the project, and an estimate, as to each parcel affected, of the net amount of benefits [if applicable over damages for property taken or the net amount of damages over benefits. When work is done in the exercise of the police power, only benefits need be estimated.]

Notice is given that the report on file may be inspected at the office of the town clerk [specify days and hours].

Notice is further given that the town board will hold a public hearing concerning the matters contained in the preliminary resolution and the report at \_\_\_\_\_ .m. on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_. All persons interested, or their agents or attorneys, may appear and be heard.

[Signature of town clerk]

**Note:** This notice should be published as a class 1 notice under ch. 985, Wis. stats., and a copy of this notice must be



## WISCONSIN TOWN LAW FORMS

*mailed at least 10 days before the hearing date to every interested person. The hearing must be not less than 10 nor more than 40 days after publication.*

### **66.0703 (8): Final resolution to levy special assessments for improvements**

The following statutes affect this form: s. [66.0703 \(8\)](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town shall make the following special improvements: *[list specific improvements]*.

A special assessment district is created consisting of the following area: *[specifically describe the area]*.

The work or special improvement shall be carried out and special assessments levied in accordance with the report of \_\_\_\_\_ as finally approved by the town board.

The town clerk shall publish this resolution as a class 1 notice under ch. [985](#), Wis. stats., and mail by first class mail a copy of this resolution to every interested person whose post-office address is known, or can be ascertained with reasonable diligence.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

### **66.1105: Tax incremental financing**

The following statutes affect this form: s. [66.1105](#), Wis. stats.

**Note:** *Forms related to tax incremental financing are available from the State of Wisconsin, Department of Revenue, Madison, Wisconsin. Electronic copies of many of these forms may be downloaded, and additional information may be obtained at the following website:*

<https://www.revenue.wi.gov/Pages/SLF/tif.aspx>

### **67.05: Proof of posting—election notice**

The following statutes affect this form: s. [67.05](#), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

\_\_\_\_\_, being duly sworn, states that [he or she] is the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin; that on \_\_\_\_\_, 20\_\_, [he or she] posted notices of the referendum election to be held in the town on \_\_\_\_\_, 20\_\_, a copy of which is annexed to and made part of this document in 3 public places in the town, to wit: *[state the places]*.

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[Signature of town clerk]

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of officer administering oath]

Filed in my office \_\_\_\_\_, 20\_\_.

Recorded in the town bond record book on page \_\_\_\_\_, on \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** If the notice was published in a local newspaper, obtain and file and record the printer's affidavit of publication of the notice. See s. 985.12, Wis. stats.

**67.05: Statement of canvass of special election**

The following statutes affect this form: s. 67.05, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The undersigned, inspectors of the special election held in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 20\_\_, upon the question of approving initial bond resolution No. \_\_\_\_\_, for bonding the town for \$\_\_\_\_\_ to [insert the purpose of the issue], do hereby certify that at the close of the election and in the polling place, we publicly canvassed all of the ballots cast, without adjournment or intermission, and at once publicly announced the result of the election.

The following is a statement of the result of the canvass:

Total number of votes cast at the election	_____
Total number of votes for approval	_____
Total number of votes against approval	_____
Majority [for or against] approval	_____

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of election inspectors]

Filed in my office \_\_\_\_\_, 20\_\_.

Recorded in the town bond record book on page \_\_\_\_\_, on \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** See also s. 7.53 (2) (d), Wis. stats.

**67.05: Resolution fixing details of bond issue and submitting proceedings to attorney general**

The following statutes affect this form: s. 67.05, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Resolution No. \_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, adopted by a majority of the town board

## WISCONSIN TOWN LAW FORMS

on a roll call vote with a quorum present and voting and proper notice having been given, on \_\_\_\_\_, 20\_\_, at a meeting held at \_\_\_\_\_ [state place of meeting].

Whereas, the initial resolution No. \_\_\_\_\_, to bond the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, for \$\_\_\_\_\_ for the purpose of \_\_\_\_\_, was approved by the electors of the town at a special election held on \_\_\_\_\_, 20\_\_;

Now, therefore, be it resolved:

1. That the bonds, called \_\_\_\_\_, shall be in the denomination of \$1,000 each, shall be numbered consecutively from \_\_\_\_\_ to \_\_\_\_\_, inclusive, and shall mature as follows:  
Bonds numbered \_\_\_\_\_ to \_\_\_\_\_, inclusive, aggregating \$\_\_\_\_\_ on \_\_\_\_\_, 20\_\_.  
Bonds numbered \_\_\_\_\_ to \_\_\_\_\_, inclusive, aggregating \$\_\_\_\_\_ on \_\_\_\_\_, 20\_\_.

**Note:** Complete schedule for all bonds.

2. That the bonds shall bear interest at the rate of \_\_\_\_\_% per annum, payable on \_\_\_\_\_, 20\_\_, and [semi-annually thereafter on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year or annually thereafter on the \_\_\_\_\_ day of \_\_\_\_\_ in each year], and both principal and interest shall be payable in lawful money of the United States of America, at \_\_\_\_\_, in the City of \_\_\_\_\_, Wisconsin.
3. That the bonds shall be signed by the chairperson and clerk of the Town of \_\_\_\_\_, in their official capacities, [if applicable and that the interest accruing on the bonds be evidenced by coupons thereto attached, signed with the facsimile signatures of the officers].
4. That the authorized bonds [if applicable and coupons] shall be in substantially the following form:

[Signatures of town board]

Attest: [Signature of town clerk]

### STATE OF WISCONSIN

\_\_\_\_\_ COUNTY

TOWN OF \_\_\_\_\_

[STATE NAME OF BOND]

No. \_\_\_\_\_

\$1,000.00

Know all by these presents, that the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereby acknowledges itself to owe, and for value received promises to pay, [if applicable to the bearer hereof,] the sum of One Thousand Dollars (\$1,000.00) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, together with interest thereon at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum from the date hereof until paid, [payable semiannually on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ each year or annually on the \_\_\_\_\_ day of \_\_\_\_\_ in each year] [if applicable upon presentation and surrender of the interest coupons hereto attached as they severally become due]. Both the principal hereof and the interest hereon are hereby made payable in lawful money of the United States of America at \_\_\_\_\_ in the City of \_\_\_\_\_, Wisconsin.

For the prompt payment of this bond, both principal and interest, and for the levy of taxes sufficient in amount for that purpose, the full faith, credit, and resources of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, are hereby irrevocably pledged.

This bond is one of a series of \_\_\_\_\_ bonds of like date and tenor, except maturity, issued by the Town of \_\_\_\_\_ for the purpose of \_\_\_\_\_ pursuant to an initial resolution properly adopted by the Town Board of the Town of \_\_\_\_\_ and approved by a majority of the electors of the town voting thereon at a special election held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Note:** Section 67.06 authorizes the bond form to include a provision that would permit calling the bonds “with or without

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*premium on conditions prescribed on it.” If the town board adopts a resolution making the bonds callable, the bond form should include a statement of the call terms as a separate paragraph at this point.*

It is hereby certified and recited that all acts, conditions, and things required by law to be, or to be done, precedent to, and in the issuing of this bond, did exist, have happened, and have been done and performed in regular and due time and form as required by law; that the indebtedness of the Town of \_\_\_\_\_, including the issue of which this bond is one, does not exceed any limitation imposed by law; and that a direct, annual, irrevocable tax has been levied by the town sufficient to pay the interest on this bond as it falls due and also to pay and discharge the principal hereof at maturity.

In testimony whereof, the town, by its town board, has caused this bond to be signed by its chairperson and by its clerk, in their official capacities, [*if applicable* and the coupons hereto attached to be signed by the officers by their facsimile signatures,] which officers do by the execution hereof, adopt as and for their respective proper signatures, [*if applicable* their respective facsimile signatures appearing on the coupons,] this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

TOWN OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, WISCONSIN

By: [*Signature of town chairperson*]

Attest: [*Signature of town clerk*]

### COUPON

No. \_\_\_\_\_

\$ \_\_\_\_\_

On the \_\_\_\_ of \_\_\_\_\_, 20\_\_, the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, will pay to bearer \$\_\_\_\_\_, at \_\_\_\_\_ in the City of \_\_\_\_\_, Wisconsin, for interest due that day on its \_\_\_\_\_ Bond, in the amount of \$1,000.00, dated \_\_\_\_\_, 20\_\_, No. \_\_\_\_\_.

TOWN OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, WISCONSIN

By: [*Signature of town chairperson*]

[*Face of bond when folded*]

No. \_\_\_\_\_

UNITED STATES OF AMERICA

State of Wisconsin

COUNTY OF \_\_\_\_\_, Town of \_\_\_\_\_

\$1,000.00

[*state name of bond*]

\_\_\_\_\_%

Principal Due

\_\_\_\_\_, \_\_\_\_\_.  
Interest Payable on the \_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_

Principal and Interest

Payable at \_\_\_\_\_, Wisconsin

CERTIFICATE OF [ATTORNEY GENERAL *or* ATTORNEY]

Sections [67.025](#), [165.015 \(3\)](#), and [893.77](#), Wis. stats.

As [attorney general of Wisconsin *or* an attorney under s. [67.10 \(7\)](#), Wis. stats.], I hereby certify that I have examined a certified copy of all the proceedings preliminary to the issue of \_\_\_\_\_ Bonds of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, of the denomination of \$1,000.00 each, numbered from \_\_\_\_\_ to \_\_\_\_\_, inclusive, aggregating \$\_\_\_\_\_ for the purpose of \_\_\_\_\_, of which issue this bond is one; that I find the proceedings regular and valid; that this bond is incontestable except for constitutional reasons, unless an action making such contest shall be

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brought in a court having jurisdiction of the action within 30 days of the recording of this certificate in the office of the clerk of the municipality issuing the same.

[Signature of attorney general of Wisconsin or signature of attorney]

Recorded \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

5. That for the purpose of paying the interest on the bonds as it falls due and also to pay and discharge the principal thereof at maturity, there is hereby levied a direct, annual, irrevocable tax on all of the taxable property, both real and personal, in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, in the following amounts for the following years:

For the year 20\_\_, a tax sufficient to raise the sum of \$\_\_\_\_\_, being \$\_\_\_\_\_ to pay interest coming due \_\_\_\_\_, 20\_\_, \$\_\_\_\_\_ to pay interest coming due \_\_\_\_\_, 20\_\_, and \$\_\_\_\_\_ to pay principal maturing \_\_\_\_\_, 20\_\_.

For the year 20\_\_, [continue as above].

**Note:** Complete the tax levy for each year. Be sure that the tax levy is such that it will produce the money to pay principal and interest by the time they become due.

6. Whenever there are insufficient funds on hand from the taxes hereby levied to pay interest as it becomes due or any principal as it matures, the interest shall be promptly paid from the general fund of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
7. That the town clerk shall submit a certified copy of all of the proceedings preliminary to the issuance of the aforesaid bonds and the unsigned bonds to [the attorney general of Wisconsin *or* an attorney under s. 67.10 (7), Wis. stats.] for examination and certification.
8. That the town clerk is hereby authorized and directed to advertise for sealed bids for the sale of the bond issue in the sum of \$\_\_\_\_\_.
9. That all resolutions in conflict herewith are hereby repealed and all resolutions and proceedings in conformity herewith are hereby affirmed.

**Note:** It is not necessary to the validity of the bonds that the proceedings be submitted to the attorney general or to an attorney under s. 67.10 (7), Wis. stats., but it is desirable because if the attorney general or the attorney certifies to the bonds, they become incontestable, except for constitutional reasons, after 30 days from the recording of the attorney general's or the attorney's certificate in the clerk's office; submission to the attorney general or an attorney under s. 67.10 (7), Wis. stats., is optional with the town, but if submitted, as provided for in the above form, the clerk should prepare an exact copy of the entire record of the proceedings and certify it to the attorney general or the attorney. The clerk should not send the original papers, but should send a copy of so much of the town bond record book as relates to the particular bond issue. The following is the form of certificate that is suggested by the attorney general:

### TOWN CLERK'S CERTIFICATE OF COPY OF PROCEEDINGS

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

As clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, I certify that I have compared the foregoing copy of the record of the proceedings preliminary to the issue of \_\_\_\_\_ bonds by the town, and that the same is a true and

## WISCONSIN TOWN LAW FORMS

correct copy of the proceedings had in connection with the proposed bond issue as initiated by resolution of the town board of the town of \_\_\_\_\_, passed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

***Note:** Section 67.05 (13), Wis. stats., provides that bonds authorized under various initial resolutions may in the discretion of the town board be combined into one issue and designated as “corporate purpose bonds.” If bonds authorized under 2 or more initial resolutions are to be combined into one issue, a resolution similar to the following one should be adopted by the town board and one resolution fixing details and specifying the form of the corporate purpose bond should be adopted for the combined issue instead of one such resolution for each initial resolution. The form of the bond fixed in such resolution, however, should separately itemize the amount of bonds being issued for each of the purposes provided in the underlying initial resolutions.*

### **67.05: Resolution combining bond issues**

The following statutes affect this form: s. 67.05, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders that the general obligation bonds authorized to be issued by the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, in the amount of \$\_\_\_\_\_ for the purpose of \_\_\_\_\_ and the general obligation bonds authorized to be issued by the town in the amount of \$\_\_\_\_\_ for the purpose of \_\_\_\_\_ are combined into one issue of bonds which are hereby designated “corporate purpose bonds” of the town.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **67.05 (1): Initial bond resolution**

The following statutes affect this form: s. 67.05 (1) and (10), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The town shall issue its [negotiable coupon *or* registrable] bonds in the amount of \$\_\_\_\_\_ for the purpose of \_\_\_\_\_.

A direct annual irrevocable tax sufficient in amount to pay and for the express purpose of paying the interest on the

## WISCONSIN TOWN LAW FORMS

bonds as the interest falls due and also to pay and discharge the principal thereof at maturity is hereby levied upon all the taxable property in the town.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

The above resolution was filed in my office on \_\_\_\_\_, 20\_\_, and recorded in the town bond record book on page \_\_\_\_\_, on \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Notes:** This resolution and all other papers connected with the bonding proceeding should be promptly filed by the clerk and so marked, and should at once be recorded (copied) in a book kept for that purpose as required by s. 67.05 (12), Wis. stats.

A resolution is not necessary for bonds issued to finance low-interest mortgage loans under s. 62.237, Wis. stats., unless requested by at least 15% of the electors who cast votes for the governor at the last general election. See s. 67.05 (5) (a), Wis. stats.

### 67.05 (5): Call of special election

The following statutes affect this form: s. 67.05 (5), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

**Notice is hereby given** that a special election is called and will be held on \_\_\_\_\_, 20\_\_, at the town hall in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, for the purpose of submitting to the electors of the town for approval the initial bonding resolution No. \_\_\_\_\_, adopted by the town board on \_\_\_\_\_, 20\_\_. The following is a true copy of the resolution: [insert an exact and complete copy of the initial resolution].

Notice is further given that the question to be submitted will be whether the resolution shall be or shall not be approved. The polls will be opened at 7:00 a.m. and closed at 8:00 p.m.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

Filed in my office \_\_\_\_\_, 20\_\_.

Recorded in the town bond record book on page \_\_\_\_\_, on \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### Chapter 70: Department of Revenue property tax forms

The following statutes affect this form: chs. 70, 73, and 74, Wis. stats.



## WISCONSIN TOWN LAW FORMS

**Note:** Access to all Department of Revenue Forms is available at the following Internet address:

<https://www.revenue.wi.gov/Pages/HTML/formpub.aspx>

**Note:** Forms related to property taxes are available from the State of Wisconsin, Department of Revenue, Madison, Wisconsin. Electronic copies of many of these forms may be downloaded, and additional information may be obtained at the following websites:

<https://www.revenue.wi.gov/Pages/Governments/home.aspx>

General information relevant to local governments and access to the My DOR Government online filing system

<https://www.revenue.wi.gov/Pages/Assessors/home.aspx>

Information and forms relevant to property assessment

<https://www.revenue.wi.gov/Pages/Municipalities/boardofreview.aspx>

Information and forms relevant to boards of review

<https://www.revenue.wi.gov/Pages/Form/govtvc-Home.aspx>

Additional DOR forms

### **70.27: Lis pendens on resolution to make assessor's plat**

The following statutes affect this form: s. 70.27, Wis. stats.

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TOWN OF \_\_\_\_\_ LIS PENDENS s. 70.27, WIS. STATS.  
COUNTY OF \_\_\_\_\_  
STATE OF WISCONSIN

IN THE MATTER OF A PROPOSED ASSESSOR'S PLAT IN  
THE TOWN OF \_\_\_\_\_, \_\_\_\_\_ COUNTY

---

BE IT NOTED THAT:

In the matter of a proposed Assessor's Plat, Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, the Town Board of the Town of \_\_\_\_\_ adopted a resolution to have created an assessor's plat that may affect certain platted and unplatted parcels in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, all located in Section(s) \_\_\_\_\_ of Township \_\_\_\_\_, Range \_\_\_\_\_.

The proposed plat for Section \_\_\_\_\_ may include all or part of the following:

1. [insert affected quarter sections, i.e., NW 1/4 NW 1/4]
2. [so continue]

This Lis Pendens is filed in the Register of Deeds Office, \_\_\_\_\_ County, Wisconsin, for the purpose of notice to all titleholders and prospective titleholders that an Assessor's Plat has been or may be created affecting the above-noted platted and unplatted parcels in Section(s) \_\_\_\_\_ in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signature of town clerk]

WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County, Wisconsin

STATE OF WISCONSIN  
\_\_\_\_\_ COUNTY

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above-named \_\_\_\_\_, known to me to be the person who executed the foregoing instrument, and acknowledged the same.

[Signature of town chairperson]

or

[Signature of notary public]  
Notary Public, State of Wisconsin  
My commission \_\_\_\_\_.

This instrument drafted by: \_\_\_\_\_  
Whose address is: \_\_\_\_\_

**70.45: Notice of open book**

The following statutes affect this form: s. 70.45, Wis. stats.

STATE OF WISCONSIN  
Town of \_\_\_\_\_  
\_\_\_\_\_ County

Pursuant to s. 70.45, Wis. stats., the Town of \_\_\_\_\_ assessment roll for the year 20\_\_ assessment will be open for examination on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ [insert location of open book] from \_\_\_\_\_ .m. to \_\_\_\_\_ .m. Instructional material about the assessment, how to file an objection, and board of review procedures under Wisconsin law will be available at that time.

Notice is hereby given this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**70.46 (1): Ordinance to appoint alternate members for board of review**

The following statutes affect this form: ss. 70.46 (1) and 70.47 (6m), Wis. stats.

STATE OF WISCONSIN  
Town of \_\_\_\_\_  
\_\_\_\_\_ County

**SECTION I – TITLE AND PURPOSE**

This ordinance is entitled the Town of \_\_\_\_\_ Ordinance to Appoint Alternate Members for Board of Review. The purpose of this ordinance is to provide, upon lawful removal of named members, alternate persons to serve as replacements to the Board of Review for the Town of \_\_\_\_\_.

## WISCONSIN TOWN LAW FORMS

### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under ss. 70.46 (1) and 70.47 (6m) (c), Wis. stats., to remove members from and to appoint alternate members to the Board of Review for the Town of \_\_\_\_\_.

### SECTION III – ADOPTION OF AN ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the removal of members of the Board of Review for the Town of \_\_\_\_\_ and the appointment of alternate members.

### SECTION IV – MANNER OF APPOINTMENT

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this ordinance, establishes and shall maintain a public list of names of persons eligible and appointed by the town board to serve as alternate members of the board of review. The list shall be arranged and maintained by the town clerk in a priority order of probable and likely service as an alternate. The town clerk shall notify any named member who has been lawfully removed under s. 70.47 (6m) (a) or (b), Wis. stats., and shall then notify the alternate member of his or her appointment to replace a named member of the board of review. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate s. 19.59, Wis. stats., shall then take the oath of office and act as a member of the board of review under s. 70.47 (6m) (c), Wis. stats.

### SECTION V – APPOINTMENTS

The following electors of the Town of \_\_\_\_\_ are named as alternate members of the board of review, to serve in the order indicated:

Alternate 1: \_\_\_\_\_

Alternate 2: \_\_\_\_\_

Alternate 3: \_\_\_\_\_

Alternate 4: \_\_\_\_\_

Alternate 5: \_\_\_\_\_

**Note:** The town board may name as many alternates as it deems necessary to meet the statutory requirement that no less than 3 board of review members are needed to make a final determination of an objection to a property assessment.

### SECTION VI – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

## WISCONSIN TOWN LAW FORMS

### 70.46 (1m) (b): Ordinance to appoint clerk to board of review

The following statutes affect this form: s. 70.46 (1m) (b), Wis. stats.

**Note:** Under s. 70.46 (1m), appointed clerks, appointed treasurers, or appointed combined clerk/treasurers may not serve on the board of review unless the person appointed is an elector of the town.

The Wisconsin Towns Association has developed a sample ordinance to appoint an appointed clerk who is an elector of the town to the board of review. Electronic copies of the sample ordinance may be found in the Ordinances and Resolutions section of the Information Library of the Towns Association website at:

<https://www.wisctowns.com/information-library/>

### 70.47 (2): Notice of meeting of board of review

The following statutes affect this form: s. 70.47 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

**Notice is hereby given** that the Board of Review for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, shall hold its first meeting on \_\_\_\_\_, 20\_\_, from \_\_\_\_\_m., at \_\_\_\_\_ [insert meeting location].

Please be advised of the following requirements to appear before the board of review and procedural requirements if appearing before the board:

1. While s. 70.47 (7) (aa), Wis. stats., provides that no person will be allowed to appear before the board of review, to testify to the board by telephone, or to contest the amount of any assessment of real or personal property if the person has refused a reasonable written request by certified mail of the assessor to view the property, the Town of \_\_\_\_\_, due to a decision by the Wisconsin Supreme Court and recommendation by the Department of Revenue, will allow a person who has denied a request to appear and will address the lack of access and the credibility of evidence offered as an evidentiary issue at the hearing.
2. After the first meeting of the board of review and before the board's final adjournment, no person who is scheduled to appear before the board of review may contact or provide information to a member of the board about the person's objection, except at a session of the board.
3. The board of review may not hear an objection to the amount or valuation of property unless, at least 48 hours before the board's first scheduled meeting, the objector provides to the board's clerk written or oral notice of an intent to file an objection, except that upon a showing of good cause and the submission of a written objection, the board shall waive that requirement during the first 2 hours of the board's first scheduled meeting, and the board may waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days with proof of extraordinary circumstances for failure to meet the 48-hour notice requirement and failure to appear before the board of review during the first 2 hours of the first scheduled meeting.
4. Objections to the amount or valuation of property shall first be made in writing and filed with the clerk of the board of review within the first 2 hours of the board's first scheduled meeting, except that, upon evidence of extraordinary circumstances, the board may waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days. The board may require objections to the amount or valuation of property to be submitted on forms approved by the Department of Revenue, and the board shall require that any forms include stated valuations of the property in question. Persons who own land and improvements to that land may object to the aggregate valuation of that land and improvements to that land, but no person who owns land and improvements to that land may object only to the valuation of that land or only to the valuation of improvements to that land. No person may be allowed in any action or proceedings to question the amount or valuation of property unless the written objection has been filed and that person in good faith presented evidence to the board in support of the objections and made full disclosure before the board, under oath, of all of

## WISCONSIN TOWN LAW FORMS

that person's property liable to assessment in the district and the value of that property. The requirement that objections be in writing may be waived by express action of the board.

5. When appearing before the board of review, the objecting person shall specify in writing the person's estimate of the value of the land and of the improvements that are the subject of the person's objection and specify the information that the person used to arrive at that estimate.
6. No person may appear before the board of review, testify to the board by telephone, or object to a valuation if that valuation was made by the assessor or the objector using the income method of valuation, unless the person no later than 7 days before the board's first meeting supplies the assessor with all the information about income and expenses, as specified in the assessor's manual under s. 73.03 (2a), Wis. stats., that the assessor requests. The Town of \_\_\_\_\_ has an ordinance for the confidentiality of information about income and expenses that is provided to the assessor under this paragraph that provides exceptions for persons using information in the discharge of duties imposed by law or the duties of their officer or by order of a court.\* The information that is provided under this paragraph, unless a court determined before the board's first meeting that it is inaccurate, is not subject to the right of inspection and copying under s. 19.35 (1), Wis. stats.
7. The board may allow the property owner or the property owner's representative, at the request of either person, to appear by telephone, under oath, before the board or to submit written statements, under oath, to the board. The board shall hear upon oath, by telephone, all ill or disabled persons who present to the board a letter from a physician, osteopath, physician assistant, or certified advanced practice nurse prescriber that confirms their illness or disability.
8. No person may appear before the board of review, testify to the board by telephone, or contest the amount of any assessment unless, at least 48 hours before the first meeting of the board, or at least 48 hours before the objection is heard if the objection is allowed under s. 70.47 (3) (a), Wis. stats., that person provides to the clerk of the board of review notice as to whether the person will ask for the removal of a member of the board of review and, if so, which member, and provides a reasonable estimate of the length of time the hearing will take.
9. At the request of the property owner or the property owner's representative, the board may postpone and reschedule a hearing, but may not postpone and reschedule a hearing more than once during the same session for the same property.

Notice is hereby given this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

[Signature of town clerk]

**Notes:** Publish this notice as a class 1 notice under ch. 985, Wis. stats.

*The Board of Review must meet for a minimum of 2 hours at its first session.*

### 70.47 (4): Notice of meeting to adjourn board of review to later date

The following statutes affect this form: s. 70.47 (4), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Board of Review of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, will meet on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m., at \_\_\_\_\_ [insert meeting location] for the purpose of calling the board of review into session during the 30-day period beginning on the 2nd Monday of May, pursuant to s. 70.47 (1), Wis. stats.

[If applicable Due to the fact that the assessment roll is not completed at this time, it is anticipated that the board of review will be adjourned until \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m.]

**Note:** Adjournment should be to a specific day and time and may be adjourned repeatedly until the assessment roll is completed. If the date for the open book is unknown, the following optional paragraph may be included to give the required 15-day notice.

## WISCONSIN TOWN LAW FORMS

(Optional) Pursuant to s. 70.45, Wis. stats., the Town of \_\_\_\_\_ assessment roll for the year 20\_\_ assessment will be open for examination on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ [insert open book location] from \_\_\_\_\_ .m. to \_\_\_\_\_ .m. Instructional material about the assessment, how to file an objection, and board of review procedures under Wisconsin law will be available at that time.

Notice is hereby given this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

**Note:** Publish this notice as a class 1 notice under ch. 985, Wis. stats.

Post this notice in at least 3 public places in the Town.

Post this notice on the door of the Town hall.

(All 3 types of notice are required pursuant to s. 70.47 (2), Wis. stats.)

### 70.47 (7) (af): Ordinance relating to confidentiality of income and expense records

The following statutes affect this form: s. 70.47 (7) (af), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

#### SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of \_\_\_\_\_ Ordinance Relating to Confidentiality of Income and Expense Records. The purpose of this ordinance is to provide confidentiality of the records of taxpayers who provide income and expense record information to the town assessor under s. 70.47 (7) (af), Wis. stats., and to exempt that information from being subject to the right of inspection or copying as a public record under s. 19.35 (1), Wis. stats.

#### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has the specific authority under s. 70.47 (7) (af), Wis. stats., to provide confidentiality to taxpayers of certain income and expense records provided to the town assessor by those taxpayers for purposes of valuation of real property in the Town of \_\_\_\_\_, owned by those taxpayers.

#### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, adopts by reference s. 70.47 (7) (af), Wis. stats., providing for the confidentiality of information regarding income and expenses.

#### SECTION IV – ADOPTION BY REFERENCE AND CONFIDENTIALITY REQUIREMENT

Section 70.47 (7) (af), Wis. stats., is adopted by reference. Income and expense information provided by a property owner to the town assessor for the purpose of establishing valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under s. 19.35 (1), Wis. stats. Unless a court determines that the information is inaccurate, the information provided to the assessor is not subject to the right of inspection or copying as a public record under s. 19.35 (1), Wis. stats.

#### SECTION V – EXCEPTIONS TO CONFIDENTIALITY

A town officer in the Town of \_\_\_\_\_ may make public disclosure or allow access to income and expense information provided by a property owner to the town assessor for the purpose of establishing valuation for assessment purposes by the income method of valuation in his or her possession as provided below:

## WISCONSIN TOWN LAW FORMS

- A. The town assessor shall have access to the provided income and expense information in the performance of his or her duties.
- B. The board of review may review the provided income and expense information when needed, in its opinion, to decide upon a contested assessment.
- C. Any person or body who has the right or whose duty in his or her office is to review the provided income and expense information shall have access to the information.
- D. A town officer who is complying with a court order may release the provided income and expense information in accordance with the court's order.
- E. If the provided income and expense information has been determined by a court to be inaccurate, the information is open and public.
- F. If the property owner has provided written approval for public disclosure or limited disclosure to that person, and the Town Board of the Town of \_\_\_\_\_ has approved the disclosure, the provided income and expense information is open and public to the extent approved.

### SECTION VI – PENALTY PROVISIONS

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

### SECTION VII – SEVERABILITY

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

### SECTION VIII – EFFECTIVE DATE

This ordinance shall take effect immediately upon publication.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 70.47 (10): Notice of changing valuation

The following statutes affect this form: s. 70.47 (10), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_:

It appearing to the board of review of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, from the evidence before it that the assessment for the [real *or* personal] property described as: [insert legal description], for which you are liable to assessment, has been [set too low *or* has been set too high *or* has been omitted from the assessment roll] for the year 20\_\_.

You are hereby notified that the board will hold a hearing at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m.,



## WISCONSIN TOWN LAW FORMS

to [review the assessment of the *or* to place upon the assessment roll and assess the omitted] property, at which time and place you may be heard in relation thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of clerk of board of review]

### 70.64 (2): Resolution for appeal from county equalization

The following statutes affect this form: s. 70.64 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders that the town chairperson shall take action to appeal on behalf of the town to the tax appeals commission for a review and redetermination of the relative value of the taxable property in the several assessment districts of \_\_\_\_\_ County, made by the Department of Revenue under the provisions of s. 70.57, Wis. stats.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 70.64 (3): Appeal from county equalization

The following statutes affect this form: s. 70.64 (3), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, pursuant to a resolution adopted by the town board of the town on \_\_\_\_\_, 20\_\_, appeals to the Tax Appeals Commission from the assessment and determination of the relative value of the taxable property in the several assessment districts of \_\_\_\_\_ County, made by the Department of Revenue pursuant to s. 70.57, Wis. stats., for the purpose of obtaining a review and redetermination of the valuation of property in [all the assessment districts of the county *or* the Town of \_\_\_\_\_ *or* the Towns of \_\_\_\_\_ and \_\_\_\_\_, in the County *or* Village *or* City of \_\_\_\_\_ in the county] as to [the real estate *or* the personal property *or* both real estate and personal property] therein upon the grounds that [*state plainly and concisely the facts constituting the grievance sought to be remedied on the appeal*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson]

STATE OF WISCONSIN,

\_\_\_\_\_ County.

\_\_\_\_\_, being first duly sworn, says that [he *or* she] is the elected and qualified chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and the person who made and signed the foregoing declaration of appeal,

## WISCONSIN TOWN LAW FORMS

that [he *or* she] has read the declaration and knows the contents thereof, and that the contents of the declaration are true to [his *or* her] own knowledge.

[Signature]

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of notarial officer]

### **70.64 (5): Resolution to join other taxation district's appeal**

The following statutes affect this form: s. 70.64 (5), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders that the town chairperson shall, on behalf of the town, act to join in the appeal of the [town *or* village *or* city] of \_\_\_\_\_ to the tax appeals commission, dated \_\_\_\_\_, 20\_\_, for a review and redetermination of the relative value of the taxable property in the several assessment districts of \_\_\_\_\_ County, made by the Department of Revenue under the provisions of s. 70.57, Wis. stats.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### **70.64 (5): Statement of joining other taxation district's appeal and additional grounds of appeal**

The following statutes affect this form: s. 70.64 (5), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The undersigned, chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on behalf of the town, being authorized by a resolution adopted\* by the town board of the town on \_\_\_\_\_, 20\_\_, joins in the appeal of the [town *or* village *or* city] of \_\_\_\_\_ to the tax appeals commission, dated \_\_\_\_\_, 20\_\_, from the assessment and determination of the relative value of the taxable property in the several assessment districts of \_\_\_\_\_ County, made by the Department of Revenue pursuant to s. 70.57, Wis. stats., [continue as follows if the town is asserting grounds for the appeal not included in the original], and in addition to the relief demanded in the declaration on the appeal applies, for the purpose of obtaining a further review and redetermination of the valuation, [continue as in the form given under s. 70.64 (3), Wis. stats.].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Add verification.]

[Signature of town chairperson]

## WISCONSIN TOWN LAW FORMS

**Note:** Four copies of appeals of any local governmental unit are required to be filed with the Tax Appeals Commission and a like copy of each mailed by certified mail to the Department of Revenue, to the county clerk, to the clerk of each town, city, and village within the county, and to any attorney authorized to appear.

**\*Note:** Adapt 70.64 (2): Resolution for appeal from county equalization.

### 70.67: Treasurer's bond for tax receipts

The following statutes affect this form: s. 70.67, Wis. stats.

**Note:** Adapt 19.01 (2): Official bond.

[Form of Approval] I approve the within bond, both as to the form thereof and the sufficiency of the sureties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson]

### 70.67 (2): Exemption from treasurer's bond

The following statutes affect this form: s. 70.67 (2), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The supervisors of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, hereby ordain as follows:

That the treasurer of the town is exempted from giving the bond specified in s. 70.67 (2), Wis. stats.

That the town hereby obligates itself to pay, in case the town treasurer fails so to do, all state and county taxes that the treasurer is required to pay to the county treasurer.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certify that the foregoing is a true, correct and complete copy of an ordinance adopted by the town board of the Town of \_\_\_\_\_ on \_\_\_\_\_, 20\_\_.

[Signature of town clerk]

### 70.73 (1): Notice to correct assessment

The following statutes affect this form: s. 70.73 (1), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_ and to \_\_\_\_\_, assessor:

Whereas, the following described parcels of land situated in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin: [insert description of parcel or parcels affected] belonging to \_\_\_\_\_, have been [erroneously

## WISCONSIN TOWN LAW FORMS

assessed together *or* erroneously described *or* assessed to the wrong person] on the tax roll of the town for the year 20\_\_:

You are hereby notified to appear at the office of the clerk of the Town of \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m., to correct the assessment roll.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town clerk or treasurer]

### 70.74: Order for reassessment

The following statutes affect this form: s. 70.74, Wis. stats.

[Choose one of the following alternatives.]

(Alternative A) Whereas, [the tax *or* the assessment *or* a part of the tax *or* a part of the assessment, to wit: *designate the part*] for the year 20\_\_ upon the real estate described below has been set aside or determined to be illegal or void; and

(Alternative B) Whereas, the collection of [the tax *or* the assessment *or* a part of the tax *or* a part of the assessment, to wit: *designate the part*] for the year 20\_\_ upon the property described below has been prevented [by the judgment of the circuit court for \_\_\_\_\_ County, Wisconsin, entered on \_\_\_\_\_, 20\_\_; and *or* by the action of the county board of \_\_\_\_\_ County, Wisconsin, taken on \_\_\_\_\_, 20\_\_; and]

(Alternative C) Whereas, the treasurer of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, has been prevented by injunction from [collecting *or* returning as delinquent] [the taxes *or* the assessment *or* a part of the tax *or* a part of the assessment, to wit: *designate the part*] upon the property described below for the year 20\_\_ in consequence of irregularity or error [in the proceedings in the assessment of the real estate *or* in the levy of the tax *or* the proceedings for its collection *or otherwise specifying the ground, as in s. 70.74, Wis. stats., or from any other cause, assigning it*], the injunction having been dissolved on \_\_\_\_\_, 20\_\_; and

Whereas, the real estate was properly [taxable *or* assessable], and there remains uncollected \$\_\_\_\_\_ of the [tax *or* assessment] thus [set aside *or* determined to be illegal or void *or* the collection whereof was prevented by the judgment of the court *or* by the action of the county board *or* by injunction], and the same cannot properly be collected by inclusion of the land in the tax certificate next issued under s. 74.57, Wis. stats., on which the [tax *or* assessment] was levied;

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, orders and determines that the [tax *or* assessment] of \$\_\_\_\_\_ is hereby reassessed and relieved upon the real estate described below as an additional tax for the year 20\_\_.

The real estate referred to in this order is described as: [insert legal description].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 70.75: Petition for reassessment

The following statutes affect this form: s. 70.75, Wis. stats.

To: The State of Wisconsin, Department of Revenue

## WISCONSIN TOWN LAW FORMS

In the matter of the petition for reassessment of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

STATE OF WISCONSIN,  
\_\_\_\_\_ County.

\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, [so continue] being first duly sworn, depose and say:

That they are the owners of taxable property in the Town of \_\_\_\_\_, \_\_\_\_\_ County, the aggregate assessed valuation of which is not less than 5% of the assessed valuation of all the property in the Town of \_\_\_\_\_, according to the assessment in the town for the year 20\_\_.

That they are generally familiar with the valuation and assessment of property in the Town of \_\_\_\_\_.

That the assessment of real and personal property in the Town of \_\_\_\_\_ for the year 20\_\_ has not been made at the true value of the property as the law requires, and that the assessment of real and personal property is grossly unequal as between different taxpayers and classes of property.

That certain taxable property in the town has been assessed at approximately its full value while other taxable property has been assessed at not to exceed \_\_\_\_\_ percent of its true value.

That annexed to this petition and made a part hereof is a list of different properties in the town with the true and assessed valuation of each description set opposite the same, showing gross inequality in the valuation of the properties.

That the assessment has not been made in substantial compliance with law, and that the interests of the public will be promoted by a reassessment of all the taxable property in the town.

Petitioners therefore pray for a preliminary hearing for that purpose as provided by s. 70.75 (1), Wis. stats.

[Signatures of petitioners]

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature of officer and title]

**Note:** See s. 70.75 (1m), Wis. stats., relating to repetitive petitions.

### 70.75: Order for preliminary hearing on petition for reassessment

The following statutes affect this form: s. 70.75, Wis. stats.

#### DEPARTMENT OF REVENUE

In the matter of the petition for reassessment of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

Whereas, the owners of at least 5% of the taxable property, according to the assessed value thereof, in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, have made complaint to the Department of Revenue that the assessment of real and personal property therein for the year 20\_\_ has not been made in substantial compliance with law, and that the interests of the public will be promoted by a reassessment of such property, and have enumerated sufficient apparent irregularities and inequalities in the assessment of different persons and classes of property in the town to require an investigation thereof;

Now, therefore, notice is hereby given that a hearing upon the matter of the complaint and application will be held before the Department of Revenue at the office of the clerk of the town on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_\_\_m., at which time and place all persons interested in the matter will be given an opportunity to be heard and the petition for reassessment determined.

## WISCONSIN TOWN LAW FORMS

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

DEPARTMENT OF REVENUE

By: [Signature of secretary]

### 70.75 (2): Oath of assessor

The following statutes affect this form: s. 70.75 (2), Wis. stats.

I, \_\_\_\_\_, of \_\_\_\_\_, Wisconsin, having been appointed by the Department of Revenue to act as assessor to make a reassessment of the taxable property in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, do solemnly swear that I will support the constitution of the United States, and the constitution and laws of the state of Wisconsin, and that I will faithfully perform the duties imposed upon me in respect to such reassessment, to the best of my ability. So help me God.

[Signature]

Subscribed and sworn to before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature and title of officer]

### 73.10 (2): Department of Revenue municipal financial reporting forms

The following statutes affect this form: ss. 73.10 (2) and 86.303 (5), Wis. stats.

**Note:** Municipal financial reporting forms are available from the State of Wisconsin, Department of Revenue, Madison, Wisconsin. Electronic copies may be downloaded from the Department of Revenue website at the address set forth below:

<https://www.revenue.wi.gov/Pages/Form/govmfr-Home.aspx>

### 77.876 (4): Clerk's certificate of unpaid managed forest practice noncompliance assessment

The following statutes affect this form: s. 77.876 (4), Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

To the clerk of [name of the applicable taxation district]:

The undersigned, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certifies as follows:

1. The State of Wisconsin, Department of Revenue has certified to the Town of \_\_\_\_\_ that \_\_\_\_\_ [name of landowner] has failed to complete a forestry practice [or practices] during the period of time required under an applicable management plan adopted under s. 77.82 (3), Wis. stats.
2. The certificate of the Department of Revenue directs the Town of \_\_\_\_\_ to impose a noncompliance assessment of \$\_\_\_\_\_ against \_\_\_\_\_ [name of landowner], and a copy of the certificate was mailed by the Department of Revenue to \_\_\_\_\_ [name of landowner] in accordance with s. 77.876 (4), Wis. stats., on \_\_\_\_\_, 20\_\_.
3. The assessment was not paid on or before August 31, 20\_\_ [the last day of the August following the mailing of the certificate].
4. A true and correct copy of the certificate of the Department of Revenue is attached.

## WISCONSIN TOWN LAW FORMS

Pursuant to s. 77.876 (4), Wis. stats., you are directed to enter the delinquent assessment in the amount of \$\_\_\_\_\_, together with interest at the rate of 12% per year from \_\_\_\_\_, 20\_\_, being the last day of the month following the date the certificate was mailed to \_\_\_\_\_ [name of landowner] on the property tax roll as a special charge.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of clerk of town]

**Note:** Although not specifically required by s. 77.876, Wis. stats., mail a copy of this certificate to the delinquent landowner.

### 778.15: Town treasurer's statement of forfeitures

The following statutes affect this form: s. 778.15, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, \_\_\_\_\_, treasurer for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, have during the year 20\_\_ collected forfeitures from municipal judges of the Town of \_\_\_\_\_, as set forth below:

Name of municipal judge	Amount of moneys collected	Date of collection	Name(s) of defendant in each case	Cause of action	Date of summons	Date of judgment
TOTALS						

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town treasurer]

STATE OF WISCONSIN,  
\_\_\_\_\_ County.

\_\_\_\_\_, being duly sworn, says that [he or she] is the treasurer of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and has made and signed the foregoing statement, and that the same is correct.

[Signature of town treasurer]

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature and title of officer]

## Fences

### 90.05 (1): Partition of fence by owners

The following statutes affect this form: s. 90.05 (1), Wis. stats.



## WISCONSIN TOWN LAW FORMS

This agreement made this \_\_\_\_ of \_\_\_\_\_, 20\_\_, between \_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and \_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

Whereas, \_\_\_\_\_ has erected a fence on the dividing line between [his or her] lands and the lands of \_\_\_\_\_, which fence commences at \_\_\_\_\_ [describe fence]; and whereas, after the erection of the fence, \_\_\_\_\_ enclosed a field on the [state direction, i.e., northerly] side of the division line, so that \_\_\_\_ feet [or other unit of measure] of the fence, commencing [describe the portion of the fence], has become and now is a partition fence between the respective fields of the parties; and

Whereas, \_\_\_\_\_ has paid to \_\_\_\_\_ the sum of \$\_\_\_\_\_, in full payment for one-half the value of the \_\_\_\_ feet of fence;

It is agreed between the parties that the \_\_\_\_ feet of fence on the [state direction, i.e., east] part of the partition fence shall be maintained and kept in repair by \_\_\_\_\_, the party of the first part, and the remainder of the partition fence shall be kept in like repair by \_\_\_\_\_.

In witness whereof, the parties have hereunto set their hands and seals, the day and year first above written.

[Signatures and seals of parties]

In the presence of:

[Signatures of 2 witnesses]

STATE OF WISCONSIN,  
\_\_\_\_\_ County.

On \_\_\_\_\_, 20\_\_, personally came before me the above-named \_\_\_\_\_ and \_\_\_\_\_, known to me to be the persons who executed the above instrument, and severally acknowledged the same to be their free act and deed.

[Signature and title of officer]

### 90.05 (1): Partition of line by owners

The following statutes affect this form: s. 90.05 (1), Wis. stats.

This agreement made this \_\_\_\_ of \_\_\_\_\_, 20\_\_, between \_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and \_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.

Whereas, \_\_\_\_\_ owns the land described as follows: [insert legal description] and \_\_\_\_\_ owns the land described as follows: [insert legal description] and the parties desire to make partition of the dividing line, to assign to each a portion of the partition fence to be built and maintained by each of them;

It is mutually agreed by the parties that the line is partitioned and assigned for the purpose of building and maintaining a fence as follows: The [state direction, i.e., northerly] half of the line being \_\_\_\_\_ feet [or other unit of measure] in length, is assigned to \_\_\_\_\_, and the other half of the line is assigned to \_\_\_\_\_.

In witness whereof, the parties have hereunto set their hands and seals, the day and year first above written.

[Signatures and seals of parties]

In the presence of:

[Signatures of 2 witnesses]

## WISCONSIN TOWN LAW FORMS

STATE OF WISCONSIN,  
\_\_\_\_\_ County.

On \_\_\_\_\_, 20\_\_, personally came before me the above-named \_\_\_\_\_ and \_\_\_\_\_, known to me to be the persons who executed the above instrument, and severally acknowledged the same to be their free act and deed.

[Signature and title of officer]

**Note:** For the law regarding fences constructed by subdividers, see s. 90.05 (2), Wis. stats.

### 90.06: Notice to remove fence to boundary line

The following statutes affect this form: s. 90.06, Wis. stats.

To \_\_\_\_\_ [owner or occupant of adjoining land]:

Please take notice that I am the owner of [insert legal description of land] adjoining the following described lands [insert legal description of land] owned by you. The line fence between your land and mine is on my premises. You are therefore notified to remove the fence within 30 days after the service of this notice upon you, to the boundary line between our lands.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of owner of premises]

### 90.07: Notice of meeting of fence viewers to divide and to assign shares of partition fence or line

The following statutes affect this form: s. 90.07, Wis. stats.

STATE OF WISCONSIN  
Town of \_\_\_\_\_  
\_\_\_\_\_ County

It appearing to the undersigned, fence viewers of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, that \_\_\_\_\_ is the owner of [insert legal description of land] in the town, which land adjoins the following described land owned by \_\_\_\_\_ [insert legal description of land], and application having been made to us by \_\_\_\_\_ to divide the [partition fence or line upon which a partition fence shall be built] between the adjoining lands, the [fence or line] being described as follows: Commencing at [state location with reasonable certainty], and to assign to each owner a portion of the [fence or line];

**You are hereby notified** that we will, on \_\_\_\_\_, 20\_\_, at the hour of \_\_\_\_ o'clock \_\_.m., meet and view the [fence or partition line], and then divide the [fence or partition line] and assign to each party a share of the [fence or partition line], when and where you may be heard, if you desire.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

**Note:** See s. 90.07 (2), Wis. stats., for methods of serving the notice.

### 90.07: Division and assignment of share of partition fence or line

The following statutes affect this form: s. 90.07, Wis. stats.

STATE OF WISCONSIN

## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Application having been made to the undersigned, fence viewers of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by \_\_\_\_\_, for a division [of the partition fence *or* of the line upon which a partition fence shall be built] between lands in the town owned by \_\_\_\_\_, described as follows: [*insert legal description*], and adjoining lands in the town owned by \_\_\_\_\_, described as follows: [*insert legal description*], and for an assignment to each of the owners of a share of the [fence *or* line], dividing the lands, and having, after due notice in writing properly served upon each party, met pursuant to the notice on \_\_\_\_\_, 20\_\_, and viewed the [fence *or* the partition line];

The [fence *or* line] is divided and a share assigned to each party as follows: [*describe particularly the share of fence or line assigned to each party*]. Each party shall [build *or* repair] the share of the partition fence assigned to [him *or* her] by \_\_\_\_\_, 20\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

### 90.07: Fence viewers' determination in case of dispute

The following statutes affect this form: s. 90.07, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

A controversy having arisen about the [rights *or* obligation] of \_\_\_\_\_ and \_\_\_\_\_, occupants of adjoining lands in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, [in *or* to maintain] a certain partition fence between their respective lands, the fence being described as follows: \_\_\_\_\_.

We, the undersigned, fence viewers of the Town of \_\_\_\_\_, upon the application of \_\_\_\_\_, having given reasonable written notice to each party and viewed the partition fence on \_\_\_\_\_, 20\_\_, pursuant to that notice, divide the partition fence and assign to \_\_\_\_\_, who occupies [*insert legal description of land*] as a share of the partition fence, to be repaired and maintained by \_\_\_\_\_, the following: [*give location and length of fence*]; and to \_\_\_\_\_, who occupies [*insert legal description of land*] as a share of the fence, to be repaired and maintained by \_\_\_\_\_, the following: [*give location and length of fence*]; and we direct that each of the parties repair [his *or* her] share of the partition fence by \_\_\_\_\_, 20\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

### 90.09: Notice of meeting of fence viewers to partition when land bounded by water

The following statutes affect this form: s. 90.09, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_ and \_\_\_\_\_:

It appearing from the application of \_\_\_\_\_ that:

## WISCONSIN TOWN LAW FORMS

1. The [river *or* brook *or* pond *or* creek] [known as \_\_\_\_\_ *or* described as:] is the boundary line between lands in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, described as [*insert legal description*] and [owned *or* occupied] by \_\_\_\_\_, and lands in the Town described as [*insert legal description*], [owned *or* occupied] by \_\_\_\_\_;
2. The [river *or* brook *or* pond *or* creek] of itself is not a sufficient fence between the lands;
3. It is impracticable, without unreasonable expense, for a partition fence to be built on the true boundary line between the lands;
4. [\_\_\_\_\_ refuses to join in making a partition fence on either side *or* \_\_\_\_\_ and \_\_\_\_\_ disagree respecting the making of a partition fence on either side] of the [river *or* brook *or* pond *or* creek]; and
5. \_\_\_\_\_, having applied to us, the undersigned, fence viewers of the town, for our action in the premises;

**Notice is hereby given** that we will, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m., view that part of the [river *or* brook *or* pond *or* creek] forming the aforesaid boundary line, and if we shall determine that the [river *or* brook *or* pond *or* creek] is not a sufficient fence, and that it is impracticable, without unreasonable expense, to build a fence on the true boundary line between the enclosures, we will proceed to determine how or on which side of the river the fence shall be built, or whether partly on one side and partly on the other, and assign to each [owner *or* occupant] a share of the partition fence, and direct the time within which each shall build the fence, when and where you may be heard upon the subject, if you desire.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

### 90.09: Fence viewer's determination of partition when land bounded by water

The following statutes affect this form: s. 90.09, Wis. stats.

#### STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, the [river *or* brook *or* pond *or* creek] [known as \_\_\_\_\_ *or* described as:] is the boundary line between the following enclosed lands in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, described as [*insert legal description in notice*], and \_\_\_\_\_ having made application for partition of the boundary line;

We, the undersigned, fence viewers of the Town of \_\_\_\_\_, having given reasonable written notice, served upon each party, proceeded pursuant to that notice on \_\_\_\_\_, 20\_\_, to view that part of the [river *or* brook *or* pond *or* creek] that constitutes the boundary line between the above-described lands determine as follows:

1. That the [river *or* brook *or* pond *or* creek] that constitutes the boundary line between the above-described lands is not a sufficient fence between the lands, and that it is impracticable, without unreasonable expense, to build a fence on the true boundary line between the above-described lands.
2. That [a fence shall be built upon the (*state direction, i.e., northerly*) side of the (river *or* brook *or* pond *or* creek), one-half by \_\_\_\_\_ and one-half by \_\_\_\_\_ *or* \_\_\_\_\_ feet of the fence shall be built on the (*state direction, i.e., northerly*) side of the river by \_\_\_\_\_, and \_\_\_\_\_ feet of the fence shall be built on the (*state direction, i.e., northerly*) side of the (river *or* brook *or* pond *or* creek) by \_\_\_\_\_].
3. That the parties shall each build the portion of the fence assigned by this order by \_\_\_\_\_, 20\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

## WISCONSIN TOWN LAW FORMS

### 90.09: Notice by fence viewers that fence is impracticable

The following statutes affect this form: s. 90.09, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_ and \_\_\_\_\_:

We, the undersigned, fence viewers of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, upon the application of \_\_\_\_\_, having on \_\_\_\_\_, 20\_\_, viewed that part of the [river *or* brook *or* pond *or* creek] forming the boundary line between enclosed lands [owned *or* occupied] by you in the Town of \_\_\_\_\_ described as: [*insert legal description in notice*].

**You are hereby notified** that we have determined upon our view that it is impracticable to maintain any fence along or near the boundary line for the following reason(s):

[*list specific reasons*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[*Signatures of fence viewers*]

### 90.10: Notice to occupants on complaint of failure to repair partition fence

The following statutes affect this form: s. 90.10, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_:

Complaint having been made by \_\_\_\_\_ to us, the undersigned fence viewers of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, that the portion of partition fence between lands occupied by \_\_\_\_\_ and yourself in the town, which you by law are to maintain, is out of repair, and that you [neglect *or* refuse to repair or rebuild] that portion of the partition fence, the line of the fence being as follows: [*state location*]. You are hereby notified that we will, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m., proceed to examine the fence complained of and determine the fence's sufficiency and, if necessary, the time within which the fence shall be repaired or rebuilt.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[*Signatures of fence viewers*]

**Note:** See s. 90.07 (2), Wis. stats., for methods of serving the notice.

### 90.10: Determination of fence viewers directing repair of partition fence

The following statutes affect this form: s. 90.10, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_:

## WISCONSIN TOWN LAW FORMS

We, the undersigned, fence viewers of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, upon complaint made to us by \_\_\_\_\_ and after due notice to you, did on \_\_\_\_\_, 20\_\_\_\_, examine the partition fence between lands occupied by you and \_\_\_\_\_, in the town, and which you are to maintain, being the *[describe the location of the fence]*, and have determined and hereby notify you that your share of the partition fence is insufficient.

You are therefore directed to *[repair or rebuild]* your portion of the above-described fence by \_\_\_\_\_, 20\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*[Signatures of fence viewers]*

### 90.11: Notice of meeting to determine expense of repairs

The following statutes affect this form: s. 90.11, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_ and \_\_\_\_\_:

Whereas, upon the complaint of \_\_\_\_\_ that \_\_\_\_\_ had neglected to *[repair or rebuild]* that portion of the partition fence between adjoining lands in the town occupied by them that \_\_\_\_\_ by law is required to maintain, we, the undersigned fence viewers of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, after reasonable notice in writing properly served upon each party, pursuant to the notice examined the fence on \_\_\_\_\_, 20\_\_\_\_, and determined that the portion of the fence that by law is to be maintained by \_\_\_\_\_, being *[describe portion of fence in question]*, is insufficient and by an order dated \_\_\_\_\_, 20\_\_\_\_, directed \_\_\_\_\_ to *[repair or rebuild]* that portion of the partition fence by \_\_\_\_\_, 20\_\_\_\_; and

Whereas, \_\_\_\_\_ *[the complainant]* has presented sufficient evidence to us that \_\_\_\_\_ has failed to *[repair or rebuild]* the partition fence, as directed by us, within the time required under our order dated \_\_\_\_\_, 20\_\_\_\_, and after the expiration of that time \_\_\_\_\_ *[the complainant]* did *[repair or rebuild]* that portion of the fence that \_\_\_\_\_ was directed to *[repair or rebuild]*;

**You are hereby notified** that we, the fence viewers, will, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., meet and examine the portion of fence so *[repaired or rebuilt]* by \_\_\_\_\_, and ascertain the expense of *[repair or rebuilding]*, at which time and place you may be heard, if you desire.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*[Signatures of fence viewers]*

### 90.11: Fence viewers' certificate of expense of repairs

The following statutes affect this form: s. 90.11, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

*[Insert the first paragraph of the preceding form, and continue:]*

Now, therefore, on the application of \_\_\_\_\_, we, the fence viewers, having, after due notice in writing served upon each party, met pursuant to the notice on \_\_\_\_\_, 20\_\_\_\_, and examined that portion of the partition fence *[repaired or rebuilt]* by \_\_\_\_\_, and having ascertained the expense of *[repair or rebuilding]*, adjudge that fence to be sufficient as *[repaired or rebuilt]* by \_\_\_\_\_, and certify that the

## WISCONSIN TOWN LAW FORMS

expense of [repair *or* rebuilding] is \$\_\_\_\_\_, and that our fees for services in this behalf are \$\_\_\_\_\_, and for services in the matter of the order made by us on \_\_\_\_\_, 20\_\_, are \$\_\_\_\_\_, and that all of the above-listed expenses, including the fees of the fence viewers, constitute a special charge and lien against the following described lands: [*insert legal description of delinquent owner's lands*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

**Notes:** A copy of this certificate should be mailed to or served upon the delinquent party.

The 2 preceding forms can be adapted to the case of a new line fence.

### 90.12: Notice of meeting to determine partition fence controversy

The following statutes affect this form: s. 90.12, Wis. stats.

**Note:** The forms for notices under ss. 90.07 and 90.11, Wis. stats., may be modified and used under this section.

### 90.12: Fence viewers' determination of partition fence controversy

The following statutes affect this form: s. 90.12, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

A controversy having arisen between \_\_\_\_\_ and \_\_\_\_\_, as to their respective rights in a certain partition fence between adjoining lands occupied by them in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, described as follows: [*specifically describe location of fence*], and it appearing to the undersigned fence viewers of the town that \_\_\_\_\_, before any complaint made to the fence viewers, had [voluntarily erected the whole of the partition fence *or* erected more than a just share of the partition fence *or* become proprietor of the partition fence (*or of a part thereof, stating the part, by purchase, or otherwise, as the case may be*)];

On due application of \_\_\_\_\_, we, the fence viewers, having, after reasonable notice in writing served upon each party, met pursuant to the notice on \_\_\_\_\_, 20\_\_, and examined the partition fence, we divide the partition fence and assign to \_\_\_\_\_ as a share of the partition fence, the following: [*give location and length*], to be repaired and maintained; and to \_\_\_\_\_ as a share of the fence, the following: \_\_\_\_\_, to be repaired and maintained.

We certify that we have determined that the just value of the portion of the partition fence divided and assigned to \_\_\_\_\_ is \$\_\_\_\_\_, to be paid to \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

### 90.13: Notice of meeting to apportion expense of fencing unenclosed lands

The following statutes affect this form: s. 90.13, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

To \_\_\_\_\_ and \_\_\_\_\_:

## WISCONSIN TOWN LAW FORMS

Whereas, \_\_\_\_\_ enclosed certain lands in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and erected a partition fence between those lands and unenclosed adjoining lands, [owned *or* occupied] by \_\_\_\_\_ in the town, the fence so erected by \_\_\_\_\_ being described as follows: [*specifically describe the location of the fence*], and, thereafter, \_\_\_\_\_ enclosed [his *or* her] land, [\*and it appearing that the line upon which the partition fence stands has been previously divided and assigned to the respective owners or occupants, as follows: to \_\_\_\_\_ and to \_\_\_\_\_ (*designate the parts assigned to each party*)], and a disagreement has arisen between the parties as to the just proportion of the value of the division fence to be paid for by \_\_\_\_\_;

**You are hereby notified** that we, the fence viewers of the Town of \_\_\_\_\_, will meet at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, to examine the partition fence [\*standing upon the line as previously assigned to \_\_\_\_\_] and to ascertain and apportion the value of the partition fence to be paid by \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

**\*Note:** In case of a previous division of the line, insert the bracketed text.

### 90.13: Fence viewers' expense apportionment determination

The following statutes affect this form: s. 90.13, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

[Insert the first paragraph of the preceding form, and continue:]

[Now, therefore, upon application made by \_\_\_\_\_, we, the undersigned, fence viewers of the Town of \_\_\_\_\_, having, after due notice in writing served upon each party, met pursuant to the notice on \_\_\_\_\_, 20\_\_, and examined the partition fence, certify that the just proportion of the value to be paid by \_\_\_\_\_ to \_\_\_\_\_, as ascertained by us, is \$\_\_\_\_\_, and that our fees and costs in this behalf amount to \$\_\_\_\_\_. *or* Now, therefore, upon due application of \_\_\_\_\_, we, the undersigned, fence viewers of the Town of \_\_\_\_\_, having, after due notice in writing properly served upon each party, met pursuant to the notice on \_\_\_\_\_, 20\_\_, and examined the part of the fence standing upon the line as previously assigned to \_\_\_\_\_, and having ascertained the value of that part of the fence, certify that the value of that part of the fence is \$\_\_\_\_\_, and that our fees and costs in this behalf amount to \$\_\_\_\_\_.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of fence viewers]

## Animals

### 169.43: Harmful and exotic wild animal ordinance

The following statutes affect this form: s. 169.43, Wis. stats.

(ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22, Wis. stats.)

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County



## WISCONSIN TOWN LAW FORMS

### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of \_\_\_\_\_ Harmful and Exotic Wild Animal Ordinance. The purpose of this ordinance is for the town to regulate by permit and penalty the possession, display, sale, purchase, and exhibition of certain harmful wild animals and exotic or wild animals in the town.

### SECTION II – AUTHORITY

The Town Board of the Town of \_\_\_\_\_ has the specific authority under s. 169.43, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

### SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of the possession, display, sale, purchase, and exhibition of certain harmful wild animals or exotic or wild animals within the town.

### SECTION IV – DEFINITIONS

In this ordinance:

- A. “Bovine animal” means domestic cattle and American bison of any age or sex.
- B. “Cattle” means any of the various animals of the domesticated genus *Bos*.
- C. “Cervid” means a member of the family of animals that includes deer, elk, moose, caribou, reindeer, and the subfamily musk deer. “Cervid” includes all farm-raised deer.
- D. “Circus” means a scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, or trained animals is the primary attraction or principle business.
- E. “Domestic animal” means any of the following:
  - 1. Domesticated cats of the subspecies *Felis silvestris catus*.
  - 2. Domesticated dogs of the subspecies *Canis lupus familiaris*.
  - 3. Rodents kept in cages, aquariums, or similar containers, including gerbils, hamsters, guinea pigs, and white mice.
  - 4. Fish kept in aquariums or self-contained bodies of water and farm-raised fish, except fish that have been released to waters of the state.
  - 5. Farm-raised deer that are kept by a person registered under s. 95.55, Wis. stats.
  - 6. Livestock.
  - 7. Poultry.
  - 8. Farm-raised game birds, except farm-raised game birds that have been released to the wild.
  - 9. Ratites.
  - 10. Foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit, or caracul that are born, bred, and raised in captivity and are not endangered or threatened species.
  - 11. Pet birds.
  - 12. Any other animal listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection.
- F. “Equine animal” means a horse, mule, zebra, donkey, or ass.
- G. “Exotic or wild animal” means any animal that is not a domestic animal and specifically includes all of the following:
  - 1. Nonhuman primates and prosimians, including chimpanzees and monkeys.
  - 2. Felids, except domesticated cats of the subspecies *Felis silvestris catus*, including lions, tigers, and other felids generally referred to as big cats;
  - 3. Canids, except domesticated dogs of the subspecies *Canis lupus familiaris*, including foxes not born, bred, and raised in captivity, and all wolves, coyotes, and wolf hybrids.
  - 4. Ursids, including all bears.
  - 5. Elephants.

## WISCONSIN TOWN LAW FORMS

6. Crocodylians, including alligators and crocodiles.
7. Marsupials, including kangaroos, wallabies, and opossums.
8. Hippopotami.
9. Rhinoceroses.
10. Hyenas.
11. Mustelids, except domestic ferrets, including skunks, otters, and badgers.
12. Procyonids, including raccoons and coatis.
13. Dasypodidae, including anteaters, sloth, and armadillos.
14. Viverrids, including mongooses, civets, and genets.
15. Reptilia over \_\_\_\_ [*insert minimum length of snakes to be subject to regulation*] feet in length, including boa constrictors, pythons, and any other snakes.
16. Venomous reptilia.
17. Cervids, except farm-raised deer that are kept by a person registered under s. 95.55, Wis. stats.
18. Camelids, except South American camelids.
- H. “Farm-raised deer” means a captive cervid, but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. “Farm-raised deer” does not include a cervid kept by an institution accredited by the American association of zoological parks and aquariums.
- I. “Farm-raised game bird” means a captive bird of a wild nature that is not native. “Farm-raised game bird” does not include poultry or ratites, or birds kept pursuant to a license issued under ss. 169.15, 169.19, 169.20, or 169.21, Wis. stats.
- J. “Harmful wild animal” means members of the family ursidae commonly known as bears, the species *Felis concolor* commonly known as cougars, and any other animal designated as a harmful wild animal under Wisconsin Statutes, or by rule of the State of Wisconsin, Department of Natural Resources.
- K. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, farm-raised game birds, South American camelids, and ratites.
- L. “Person” means an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.
- M. “Pet bird” means a psittacine or softbill that is not native, is not identified on the federal list of endangered and threatened species, and is not a migratory bird.
- N. “Poultry” means domesticated fowl, including chickens, turkeys, and waterfowl, that are bred for the primary purpose of exhibition or producing eggs or meat. “Poultry” does not include ratites.
- O. “Possess” means to own, control, restrain, transport, or keep.
- P. “Public zoo or aquarium” means a zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association.
- Q. “Ratite” means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rhea.
- R. “Self-contained body of water” means a body of water that has no inlet from or outlet to a natural body of water, except that it may have pipes or similar conduits to put in or withdraw water that are equipped with barriers that prevent the passage of fish between the body of water and the other waters of the State of Wisconsin.
- S. “South American camelid” means a llama, alpaca, vicuña, or guanaco.
- T. “Town” means the Town of \_\_\_\_\_, \_\_\_\_\_, County, Wisconsin.
- U. “Town board” means the board of supervisors for the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and includes designees of the board authorized to act for the board.
- V. “Town clerk” means the clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin.
- W. “Veterinarian” means a person who is licensed in the State of Wisconsin to practice veterinary medicine under ch. 453, Wis. stats., and who is certified under rules promulgated by the Department of Agriculture, Trade and Consumer Protection.
- X. “Wis. stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

### SECTION V – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivisions

## WISCONSIN TOWN LAW FORMS

paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### SECTION VI – AUTHORIZED POSSESSION

- A. The following persons may possess exotic or wild animals in the town:
  - 1. A person licensed by the State of Wisconsin, Department of Natural Resources under ch. 169, Wis. stats.
  - 2. A veterinarian, for the purpose of providing medical treatment to the animal.
  - 3. A public zoo or aquarium, with a permit issued by the town.
  - 4. A circus, with a permit issued by the town.
  - 5. A person authorized by the State of Wisconsin, Department of Natural Resources for the possession of the specific type of harmful wild animal or exotic or wild animal in the town;
- B. Except as provided in subsection C, any person not included in Subsection A may possess in the town an exotic or wild animal only with a permit issued by the town board under the specific conditions established by the town board.
- C. A person is exempt from holding a license or other approval under s. 169.04 (4), Wis. stats., or any permit from the town, to possess live native wild animals, if these wild animals are not endangered or threatened species and are any of the following:
  - 1. Arthropods.
  - 2. Chipmunks.
  - 3. Pocket gophers.
  - 4. Mice.
  - 5. Moles.
  - 6. Mollusks.
  - 7. Opossums.
  - 8. Pigeons.
  - 9. Porcupines.
  - 10. Rats.
  - 11. Shrews.
  - 12. English sparrows.
  - 13. Starlings.
  - 14. Ground squirrels.
  - 15. Red squirrels.
  - 16. Voles.
  - 17. Weasels.

### SECTION VII – EXHIBITION OF CERTAIN ANIMALS

- A. No person may without a permit issued under Section VIII display in the town for the purpose of public viewing any exotic or wild animals or harmful wild animals.
- B. This section shall not apply to any of the following:
  - 1. Persons that have received a license or authorization from the State of Wisconsin, Department of Natural Resources under ch. 169, Wis. stats.
  - 2. A public zoo or aquarium, with a permit issued by the town board.
  - 3. A veterinarian, for the purposes of providing medical treatment to the animal.
  - 4. A circus with permits issued by the town board.

### SECTION VIII – PERMITS

- A. No person may exhibit, possess, sell, or purchase an exotic or wild animal or harmful wild animal in the town without a written permit from the town board.
- B. The applicant for a permit shall submit an application that contains all of the following:
  - 1. The name of the applicant, any agent of the applicant, and the owner of the premises where the exotic or

## WISCONSIN TOWN LAW FORMS

- wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.
2. The address of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.
  3. The business and residential telephone number of the applicant, the business and residential telephone number of any agent of the applicant, and the business and residential telephone number of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.
  4. The age of the applicant and of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.
  5. The legal description of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.
  6. The manner, if any, of keeping the exotic or wild animal or harmful wild animal.
  7. The type and number of wild animals or harmful wild animals, if more than one, that will be exhibited, possessed, sold, or purchased.
  8. Any other items requested by the town board in writing.
- C. No permit for the display, possession, sale, or purchase in the town of an exotic or wild animal or a harmful wild animal shall be issued by the town board until a public hearing is held by the town board on the application for a permit. The town clerk shall publish a notice of hearing as a class 2 notice under ch. 985, Wis. stats., the cost of which shall be paid by the permit applicant. The town board may, after the public hearing, issue a permit in writing only if it determines that the exhibition, possession, sale, or purchase in the town proposed by the applicant will not constitute a public nuisance or a threat to health and safety of the residents of the town. The town board may include in the permit specific conditions to protect public health and safety and to prevent a public nuisance. A permit shall be for a fixed period determined by the town board and is subject to revocation in the event of the violation of the conditions of the permit or this ordinance after an applicable public hearing and notice and determination, as provided in this subsection for an initial permit application. Upon a determined emergency condition in the town, the town board may suspend the permit without a hearing.

### SECTION IX – PROHIBITION

No person may permit an exotic or wild animal or a harmful wild animal to run at large or to be released from captivity within the town. Any exotic or wild animal or harmful wild animal running at large shall be subject to seizure, detention, and disposal.

### SECTION X – PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$\_\_\_\_\_, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

### SECTION XI – SEVERABILITY

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

### SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

## WISCONSIN TOWN LAW FORMS

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of town board]

Attest: [Signature of town clerk]

### 170.02: Notice of finding stray

The following statutes affect this form: s. 170.02, Wis. stats.

To \_\_\_\_\_, clerk of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin:

**Notice is hereby given** by the undersigned that on \_\_\_\_\_, 20\_\_, one [naming the kind of animal and describing it as plainly as practicable], the owner of which is unknown, strayed upon land on which I reside: [describe premises], in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and was there found and taken up by me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature]

### 170.03: Appraisal certificate

The following statutes affect this form: s. 170.03, 170.08, and 172.04, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

I, the undersigned, [select one: chairperson, representative of the law enforcement agency, or appraiser appointed by the chairperson] of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, certify that on the application of \_\_\_\_\_, residing in the town, I viewed [describe animal or goods], [select one: taken up or found] by \_\_\_\_\_ and appraise the [select one: animal or goods] to be worth the sum of \$\_\_\_\_\_. [If applicable] I further certify that the fee for this certificate is \$\_\_\_\_\_ and the charge for travel expenses is \$\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature]

**Note:** Fifty cents may be charged for a certificate under s. 170.03, Wis. stats., and \$3 may be charged for a certificate under s. 172.04, Wis. stats. Ten cents for each mile necessarily traveled for an appraisal may be charged for appraisals under s. 170.03 or 172.04, Wis. stats.

### 170.04: Decision as to amount of charges for keeping a stray

The following statutes affect this form: s. 170.04, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Whereas, \_\_\_\_\_ and \_\_\_\_\_ cannot agree as to the amount of charges incurred in relation to, or upon what should be allowed for the use of [describe stray], which was, on \_\_\_\_\_, 20\_\_, found and taken up as a stray upon the lands of \_\_\_\_\_, a resident of the town, and has been kept by \_\_\_\_\_ from that time to the date hereof, and which is now claimed by \_\_\_\_\_; and \_\_\_\_\_ has

## WISCONSIN TOWN LAW FORMS

made application to me, the undersigned, chairperson of the Town of \_\_\_\_\_, to settle the matters in difference, whereof due notice was given to \_\_\_\_\_;

Now, therefore, upon due inquiry and examination of witnesses on oath, I have ascertained, and do hereby adjudge, that the reasonable charges for keeping the stray, over the value of the use thereof, amount to \$\_\_\_\_\_; and the costs herein amount to \$\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson]

### 170.05: Notice of sale when stray not reclaimed

The following statutes affect this form: s. 170.05, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

Under the authority of s. 170.05, Wis. stats., I will sell at public auction to the highest bidder, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m., at \_\_\_\_\_ [insert address] in the town of \_\_\_\_\_, a \_\_\_\_\_ [describe stray], which strayed upon the land [owned or occupied] by \_\_\_\_\_, residing in the town of \_\_\_\_\_, and was there found and taken up by \_\_\_\_\_ as a stray, the owner of the stray not having appeared and claimed the stray.

[Signature of constable]

### 170.05: Statement of finder's charges

The following statutes affect this form: ss. 170.05 and 172.06, Wis. stats.

\_\_\_\_\_, of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, being first duly sworn, on oath says that the following is a true statement of the lawful charges incurred in taking up, keeping, advertising, and selling \_\_\_\_\_ [describe animal] [if applicable, together with a forfeiture of \$5], notice of the taking up of which was filed with the clerk of the town on \_\_\_\_\_, 20\_\_:

For keeping the animal _____ months	\$ _____
For publishing and posting stray notice	\$ _____
For town chairperson's fees on appraisal	\$ _____
For posting notices of sale	\$ _____
For [other items]	\$ _____
<b>Total</b>	<b>\$ _____</b>

[Signature of finder]

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

[Signature and title of officer]

**Note:** A finder who takes up an animal under s. 172.01, Wis. stats., is entitled to receive a forfeiture of \$5 from the owner or keeper of the animal.

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### 172.02: Notice of animal at large

The following statutes affect this form: s. 172.02, Wis. stats.

To \_\_\_\_\_:

**Notice is hereby given**, that on \_\_\_\_\_, 20\_\_, the undersigned took up a \_\_\_\_\_ [describe animal], owned by you, found running at large in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and the animal is now at \_\_\_\_\_ [describe premises]; and you are hereby requested to take the animal away within 5 days after the receipt of this notice and to pay my reasonable charges for keeping the animal: The sum of \$\_\_\_\_\_, plus a \$5 forfeiture as provided by law for the taking up of the animal.

[Signature]

### 172.03: Notice of animal at large if owner unknown

The following statutes affect this form: ss. 172.03 and 172.08, Wis. stats.

To whom it may concern:

**Notice is hereby given** that on \_\_\_\_\_, 20\_\_, the undersigned took up a \_\_\_\_\_ [describe animal] found running at large on that day in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, and the animal is now at my residence, \_\_\_\_\_ [give address or describe premises], in the town, the owner of the animal being unknown to me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature]

### 172.04: Certificate of appraisal

The following statutes affect this form: s. 172.04, Wis. stats.

**Note:** Use form given for s. 170.03, Wis. stats.

### 172.05: Decision as to amount of charges

The following statutes affect this form: s. 172.05, Wis. stats.

**Note:** Adapt form given for s. 170.03, Wis. stats.

### 172.06: Notice of sale and statement of charges

The following statutes affect this form: s. 172.06, Wis. stats.

**Note:** Adapt form given for s. 170.05, Wis. stats.

### 172.51: Notice to owner of animals distrained doing damage

The following statutes affect this form: s. 172.51, Wis. stats.

To \_\_\_\_\_:

**Notice is hereby given** that on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m., the undersigned [owner or occupant] of \_\_\_\_\_ [describe premises], in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, distrained

## WISCONSIN TOWN LAW FORMS

\_\_\_\_\_ [give number and kind of animals], owned by you, doing damage on the above-described premises, and that the animals are now detained [upon my premises *or* in a public pound in the Town of \_\_\_\_\_, stating where] and that I will, on \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m., apply to \_\_\_\_\_, chairperson of the Town of \_\_\_\_\_, for the appointment of 3 disinterested freeholders of the town to appraise the damages done by the animals.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

### STATE OF WISCONSIN

Town of \_\_\_\_\_

On the application of \_\_\_\_\_, I, \_\_\_\_\_, chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, appoint \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, 3 disinterested freeholders of the town, to appraise the damages done upon the above-described premises [owned *or* occupied] by \_\_\_\_\_, caused by [give number and kind of animals] belonging to \_\_\_\_\_, of the Town of \_\_\_\_\_, that were distrained by \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signature of town chairperson]

### 172.52: Appraisers' certificate

The following statutes affect this form: s. 172.52, Wis. stats.

### STATE OF WISCONSIN

Town of \_\_\_\_\_

\_\_\_\_\_ County

We, the undersigned, disinterested freeholders of the town, having been appointed by \_\_\_\_\_, chairperson of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 20\_\_, to appraise the damages done upon the premises of \_\_\_\_\_, in the Town of \_\_\_\_\_, by \_\_\_\_\_ [describe number and type of animal] belonging to \_\_\_\_\_ that were distrained by \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, the premises being described as follows: [describe land as in notice], certify that upon appointment we repaired to the above-described premises and viewed the damages done, and, [if applicable having taken the evidence of witnesses of the facts and circumstances necessary to enable us to ascertain and fix the extent of damages,] [we certify that the amount of damages, fixed by us, is \$ \_\_\_\_\_; and that the cost of keeping the animals from the time the animals were distrained to the present is \$ \_\_\_\_\_; and our fees for services in this action are \$ \_\_\_\_\_ (or, if a dispute shall arise) and a dispute having arisen between \_\_\_\_\_ and \_\_\_\_\_, the owner of the animals, touching the extent of damages, and the sufficiency of the fence around the premises where the damage was done, having taken the evidence of witnesses of the facts and circumstances necessary to enable us to ascertain and fix the extent of damages and the sufficiency of the fence in question, we certify that the amount of the damages, as ascertained and fixed by us, is \$ \_\_\_\_\_; that the cost of keeping the animals from the time the animals were distrained to the present, is \$ \_\_\_\_\_; that our fees for services in this action are \$ \_\_\_\_\_; and we determine that the fence around the premises, at the time the damage was done, was (sufficient *or* insufficient)].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[Signatures of 3 appraisers]

### 172.55: Notice of sale of animals by sheriff or constable

The following statutes affect this form: s. 172.55, Wis. stats.



## WISCONSIN TOWN LAW FORMS

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

**Notice is hereby given** that on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ [*specify place*], in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, at \_\_\_\_ o'clock \_\_.m., I will sell the following animals [*describing them*], or so many of them as is necessary to pay the damages certified to have been done by the animals on the premises of \_\_\_\_\_, in the town, together with the fees and costs of keeping, as authorized by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[*Signatures of sheriff or constable*]

### **173.03: Resolution and ordinance for appointment of humane officer and officers for hearing appeals**

The following statutes affect this form: ss. 173.03 and 173.27, Wis. stats.

STATE OF WISCONSIN

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution and ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and ordains as follows:

\_\_\_\_\_ is appointed to the office of Humane Officer for the Town of \_\_\_\_\_ effective \_\_\_\_\_, 20\_\_. The appointment shall be reported by the town clerk to the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection within \_\_\_\_ days after the effective date of the appointment.

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution and ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, ordains as follows:

Pursuant to s. 173.03 (2), Wis. stats., the following named officials of the Town of \_\_\_\_\_ are designated as persons who may modify or withdraw abatement orders issued by the town humane officer in accordance with s. 173.11 (2) and (3), Wis. stats.: [*give names and titles of designated town officials*].

The town clerk shall properly post or publish this resolution and ordinance as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[*Signatures of town board*]

Attest: [*Signature of town clerk*]

**Note:** See chapter ATCP 15, Wisconsin Administrative Code, for humane officer certification requirements: [http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/010/15](http://docs.legis.wisconsin.gov/code/admin_code/atcp/010/15).

### **174.05: Resolution and ordinance to raise dog license tax**

The following statutes affect this form: s. 174.05, Wis. stats.

STATE OF WISCONSIN

## WISCONSIN TOWN LAW FORMS

Town of \_\_\_\_\_  
\_\_\_\_\_ County

The Town Board of the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, by this resolution and ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and ordains as follows:

Pursuant to s. 174.05 (3), Wis. stats., a dog license tax on dogs additional to the minimum required under s. 174.05 (2), Wis. stats., within the Town of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, is authorized in the amounts shown in the table below:

Type of Dog	Statutory Scheduled Tax	Additional Tax	Total Tax
Unneutered male	\$8.00		
Unspayed female	\$8.00		
Neutered male	\$3.00		
Spayed female	\$3.00		

The additional tax shall be effective on January 1, 20\_\_, and shall terminate on December 31, 20\_\_.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[Signatures of town board]*

Attest: *[Signature of town clerk]*

## WISCONSIN TOWN LAW FORMS

### APPENDIX

#### **82.12: Highway order laying out, altering, or discontinuing highway**

The following statutes affect this form: s. [82.12](#), Wis. stats.

<http://docs.legis.wisconsin.gov/statutes/townlaw/appendix>

***Note:** If you intend to record a document on the basis of this form, and the form is modified in any way from the original, you must ensure that the modified form conforms to the formatting requirements for recorded documents specified under s. [59.43](#), Wis. stats.*