

TITLE IX: GENERAL REGULATIONS

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- 90. FIRE PROTECTION**
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CHAPTER 90: FIRE PROTECTION

Section

Fire Calls

90.01 Cost of fire calls

Fireworks

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FIRE CALLS

§ 90.01 COST OF FIRE CALLS.

(A) Pursuant to Wis. Stat. §§ 60.55, 60.555 and 60.557, the town establishes the following policy and procedure for the payment of fire costs incurred by the town.

(B) The property owners of real estate within the Town of Medford for which fire protection is provided shall be responsible for the costs of the fire calls made to their property at the rate of \$450 per fire call.

(C) The costs of fire calls as outlined above shall be billed by the Town Clerk to the property owner and paid to the Town Treasurer within 60 days of the date of the bill. The failure to pay the bill within 60 days will result in the bill being placed on the tax roll as special assessments.
(Ord. 16-89, passed - -, Am. Ord. 16-89, passed 7-8-97)

FIREWORKS

§ 90.10 FIREWORKS PROHIBITED.

Pursuant to Wis. Stat. § 167.10(5)(2), the Town Board hereby prohibits the sale, possession or use of fireworks in the town.
(Ord. 11-13-01, passed 11-13-01)

CHAPTER 91: NUISANCES

Section

91.01 Unreasonable, excessive and unnecessary noise

§ 91.01 UNREASONABLE, EXCESSIVE AND UNNECESSARY NOISE.

(A) The Town Board does ordain that all people in the town shall refrain from and are prohibited from causing any unreasonable, excessive and unnecessary noise that infringes on the use and enjoyment of other people's property. Repeated violations of this statute constitutes the act as a per se public nuisance.

(B) Sound performances and special events are exempt from this section when prior approval has been obtained from the Town Board.

(C) In addition to the requirements and penalties provided for in the Wis. Stat. §§ 347.39, 347.50, 350.11, 350.10 and Taylor County Ordinances, Chapters 26 and 53, any person violating this section shall forfeit the sum of \$50 for a first offense, \$150 for a second offense and \$150 for each offense thereafter.

(Ord. passed 9-21-82)

CHAPTER 92: WRECKED MOTOR VEHICLES

Section

- 92.01 License required to store wrecked motor vehicles
- 92.02 Application for licensee
- 92.03 Contents of application
- 92.04 Conditions of license

- 92.99 Penalty

§ 92.01 LICENSE REQUIRED TO STORE WRECKED MOTOR VEHICLES.

(A) No person, firm or corporation shall store wrecked, junked or dismantled motor vehicles, machinery, equipment or other vehicles or parts, scrap metal or debris therefrom, or engage in the business of wrecking, dismantling or storing any such property, unless licensed to do so by the Town Board.

(B) No person, firm or corporation shall permit any activity referred to in division (A) of this section to take place on land or premises owned by such person, firm or corporation.
(Ord. passed 3-14-00; Am. Ord. 21-93, passed 2-14-06) Penalty, see § 92.99

§ 92.02 APPLICATION FOR LICENSE.

(A) Application for license to engage in any activity regulated by this chapter shall be made annually on January 2 of each calendar year to the Town Clerk, and such application shall be on forms prescribed by the Town Board, and shall be accompanied by an annual license fee as follows:

- (1) Ten or less vehicles, and/or as defined in § 92.01 \$25
- (2) Eleven to 50 vehicles, and/or as defined in § 92.01 \$50
- (3) Over 50 vehicles, and/or as defined in § 92.01 \$125
- (4) Firms doing \$250,000 or more in revenue \$1,000

(B) Whenever a license has been granted and approved hereunder by the Town Board, the Town Clerk shall issue such license on the form approved and prescribed therefore by the Town Board. (Ord. passed 3-14-00; Am. Ord. 21-93, passed 2-14-06)

§ 92.03 CONTENTS OF APPLICATION.

The license application shall specify the name, age and residence of the applicant, and the particular premises on which the activity will be carried on, identifying any and all public highways, roads or streets on which any part or side of the premises abut, or any side or part of which are within 100 feet of any such highway, road or street. (Ord. passed 3-14-00; Am. Ord. 21-93, passed 2-14-06)

§ 92.04 CONDITIONS OF LICENSE.

No license shall be granted hereunder for any premises abutting on any public highway, road or street, or which are located within 100 feet of any public highway, road or street, unless the side thereof on which the main entrance is located has erected thereon a painted board fence or fence constructed on other suitable material painted at least every three years. The fence is to be at least eight feet in height, and so erected or constructed to screen from view the stored vehicles or parts stored thereon from the view of users of the public highway, street or road; provided, however, when natural growing shrubbery or trees have been planted and are maintained on any such side of the premises to be licensed, and have grown to sufficient size and height (not less than ten feet) so as to form an effective screen, hiding the stored vehicles or parts thereof from the view of users of the highway, street or road, then the erection and maintenance of a fence on such side of the premises shall no longer be required. On those sides of the premises not requiring the erection and maintenance of fence, a minimum of three rows of trees must be planted so as to form an effective screen in future years. Grass and weeds are to be cut regularly throughout the summer. (Ord. passed 3-14-00; Am. Ord. 21-93, passed 2-14-06) Penalty, see § 92.99

§ 92.99 PENALTY.

Any person, firm or corporation violating this chapter, or any provision thereof, and any owner of any land or premises where such violations occur, shall be liable to the town for a forfeiture of not less than \$50 nor more than \$1,000, and in default of payment of such forfeiture, shall be subject to confinement in the county jail for not exceeding 30 days, or until such forfeiture with costs of action are paid in full. Each day that the activity referred to shall exist shall constitute a separate violation of this chapter. (Ord. passed 3-14-00; Am. Ord. 21-93, passed 2-14-06)

CHAPTER 93: ANIMALS

Section

- 93.01 Running at large
- 93.02 Permission to kill a threatening animal

§ 93.01 RUNNING AT LARGE.

(A) Any dog running at large and any untagged dog shall be subject to capture and restraint by any peace officer or by any persons designated by the Town Board. A dog is considered to be running at large if it is off the premises of the owner and not under the control of the owner or some other person. A dog is considered untagged if a valid license tag is not on its collar whenever outdoors unless the dog is securely confined in a fenced area. Any barking dog(s) that cause(s) unnecessary noise that infringes on the use and enjoyment of other people's property will also be subject to the following fine in division (B).

(B) If the owner negligently or otherwise permits the dog to run at large, be untagged or unnecessary barking, the owner shall forfeit no less than \$25 nor more than \$100 for the first offense, and not less than \$50 nor more than \$100 for subsequent offenses.
(Ord. 5-8-2007, passed 5-8-07)

§ 93.02 PERMISSION TO KILL A THREATENING ANIMAL.

(A) A person may intentionally kill a dog if a person is threatened with serious bodily harm by the dog, or a domestic animal that is owned or in the custody of the person is threatened with serious bodily harm by the dog, and the dog is on property owned or controlled by the person, and immediate action is necessary or other restraining actions were tried and failed.

(B) The owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, livestock or property. The owner is liable for double damages if the owner knew or was notified that the dog previously injured or caused injury to a person, livestock or property.
(Ord. 5-8-2007, passed 5-8-07)

CHAPTER 94: STREETS AND SIDEWALKS

Section

- 94.01 Driveways, culverts and the like
- 94.02 Excavations of town roads, public rights-of-way and grounds
- 94.03 Building of roads
- 94.04 Erection of mailboxes
- 94.05 Discontinuing town owned right-of-way easements

- 94.99 Penalty

§ 94.01 DRIVEWAYS, CULVERTS AND THE LIKE.

(A) The term "highway," as used herein, shall have the same definition as used in Wisconsin Statutes which relate to town highways.

(B) (1) No person shall make any excavation or fill or install any culvert or make any other alteration in any town highway maintained by the town or in any manner disturb any such town highway or bridge without a permit therefor from the town. The permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by the town and be performed and completed to its satisfaction, and in the case of temporary alterations, that the highway or bridge shall be restored to its former condition and that the permittee shall be liable to the town for all damages which occur during the progress of the work or as a result thereof.

(2) If any culvert is installed or any excavation or fill or any other alteration is made in violation of the provisions of this division (B), the highway may be restored to its former condition by the highway authority in charge of the maintenance thereof, and any person who violates this division (B) shall be subject to a forfeiture provided by § 94.99, together with any costs incurred by the town in restoring the highway to its former condition.

(Ord. 12-86, passed 5-6-86) Penalty, see § 94.99

§ 94.02 EXCAVATIONS OF TOWN ROADS, PUBLIC RIGHTS-OF-WAY AND GROUNDS.*(A) Permit requirements.*

(1) No person, partnership or corporation, or its agents, employees or contractors, shall make or cause to be made any opening or excavation in any public road, public right-of-way, public ditch, public ground or town easement within the town without a right-of-way permit issued from the Board.

(2) Contractors performing excavation work while under a town contract or under the direction of the Board are exempt from the requirement unless specifically required by the Town Board.

(3) The applicant shall complete an *Excavation of Roads, Public Rights-of-Way and Grounds Permit*, as attached to Ordinance 4-13-2000, passed April 13, 2000, and kept on file and available for public inspection in the office of the Town Clerk. Permits shall be approved by the Town Board or its designee.

(4) The party responsible for the excavation shall obtain the permit. The fee for the permit shall be \$25. A separate permit shall be obtained for each separate excavation or by consensus of, based on the scope of any given project. All permits shall expire ten days from the date the permit application is issued.

(B) Emergency excavation.

(1) In the event of an emergency excavation for the protection of property, life, health or safety, the applicant will have two regular business days from the date of the excavation to file a permit application and requisite fee with the Town Board.

(2) All excavations shall comply with barricades and traffic control from U.S. Department of Transportation manual on Uniform Traffic Control Devices.

(C) Backfill requirements.

(1) The trench backfill shall be mechanically compacted to prevent settlement of the road in the location where such digging or excavation is done.

(2) The backfill materials shall be approved by the Town Board.

(3) The road surface shall be restored to as good a condition as it was before such cutting, digging, and excavating. Restoration shall be with like thickness and kinds of construction materials as originally existed or as determined by the Town Board.

(4) Should the road settle or become defective because of such cutting, digging, and excavating within a period of two years, the Town Board may order repairs of the street at permittee expense.

(5) Any person or persons doing any work or causing work to be done which shall construct and maintain barricades and lights to prevent accidents and shall be liable for all damages caused by failure to do so or for negligence resulting from carelessness in the prosecution of such work. (Ord. 4-13-2000, passed 4-13-00) Penalty, see § 94.99

§ 94.03 BUILDING OF ROADS.

(A) Before a road is plotted or laid out, the owner or developer must appear before the Town Board to present their road specifications to determine whether the road will conform with the Department of Transportation standards. This applies to roads intended for the town road system, not private roadways.

(B) Road right-of-way for new construction, including subdivision roads, shall be four rods. Road bed width for traffic should be 30 feet minimum, including shoulder of four feet minimum, including a shoulder of four feet minimum. Twenty-two feet of hard surface, blacktop or concrete.

(C) The owner of a newly laid out road shall put in new (certified AADFHTO corrugated dual wall polyethylene) culverts needed for the roadway at developer cost. Adequate and sloped ditches shall be large enough to carry and drain water away from the road bed, plus room for snow removal. The slope from the road bed to ditch bottoms will be a minimum of three to one slope, preferably four to one slope, and have a uniform and smooth surface. The slope from the centerline of the roadway to the edge of the shoulder should be a minus 12-inch on gravel roads. On blacktop roads, the slope from the center of the roadway to the edge of the blacktop should be eight inches. The shoulder slope from the blacktop edge to the edge of the shoulder should be a 2% slope. The blacktop shall have a gentle slope, not a straight up and down cut. The shoulder should be four feet wide with no less than three inches of ¾-inch gravel.

(D) The gravel base for the road bed construction shall consist of 14 inches of breaker run material, six inches maximum, material consisting of fractured rock, sand, and 10% binder material. The top base should consist of six inches of 5/8-inch and ¾-inch crushed gravel with 12% to 16% binder material. Geo textile must be used in unstable ground at the request of the Town Board.

(E) The owner or developer must call town road maintenance personnel to inspect the road work when gravel or blacktop is being performed. The road will be inspected at the following intervals:

- (1) Preparation of site;
- (2) Gravel/breaker run (sub-base); and
- (3) Crushed gravel base.

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(F) All new private road construction offered to the town for acceptance to its road system must include a hard surface road of blacktop or concrete. Cost of the road is to be included in the cost of lots along the road servicing the residents.

(G) The owner or developer is to furnish all necessary road signs to control traffic and insure safety.

(H) All dead end roads or cul-de-sacs shall have a minimum right-of-way width of 50 feet with a turnaround having an outside right-of-way diameter of at least 120 feet, and each lot or parcel abutting on a cul-de-sac shall have a minimum of 40 feet of frontage of that cul-de-sac. Effective June 14, 2005, a moratorium is placed on the construction of cul-de-sacs in subdivisions.

(I) The owner or developer must survey and plot the road before the town will acquire it. Also, the owner or developer must supply the town with the deed of the road.

(J) The owner or developer must survey as a subdivision with the intention to develop the subdivision before the town will acquire the road.

(Ord. 22-93, passed 7-13-93; Am. Ord. 22-93, passed 1-11-00; Am. Ord. 22-93, passed 11-14-00; Am. Ord. 22-93, passed 2-12-02; Am. Ord. 6-14-05, passed 6-14-05)

Cross-reference:

Designation of roads in the town road system, see T.S.O. IV

§ 94.04 ERECTION OF MAILBOXES.

(A) This section shall apply to all postal and private mailboxes. However, where a conflict exists between this section and U.S. Postal Service regulations as to the location and construction of mailboxes, the U.S. Postal Service regulations shall control.

(B) For new, relocated and/or reconstructed mailboxes, the nearest part of the mailbox shall not extend beyond the shoulder line. The mailbox shall extend not more than 46 inches above the edge of the road and not less than 42 inches. Road reflectors are prohibited on the mailbox or stand. All mailboxes shall be suspended or located on a pivoting arm to allow for flying snow and slush from snowploughs and to accommodate the efficient removal of snow from the roadway. Additionally, the mailbox arm shall be attached to a breakaway stand, post or base. In the event a new mailbox is to be erected within 100 feet of another mailbox, permission of the Town Board must be obtained as to its location. The Town Board may require grouping of the mailboxes as necessary to facilitate snow removal and the safe travel of public roads. The Town Board may apply this provision of this section to existing mailboxes if it deems that the existing mailboxes are a current safety hazard to vehicular use of the roads because of improper location or creates an impediment to proper snow removal from public roads.

(C) All mailboxes, whether new or existing, must be located on the same side of the road to promote safety of public travel and promote proper snow removal.

(D) The Town Board must be contacted prior to the construction, relocation or rebuilding of any mailbox.

(Ord. passed 1-11-94) Penalty, see § 94.99

§ 94.05 DISCONTINUING TOWN OWNED RIGHT-OF-WAY EASEMENTS.

(A) Any unrecorded road or any part thereof, which has become or is in the process of becoming a public highway by a user in any town may be discontinued in the manner hereinbefore provided. Any proceedings taken therefor shall not be evidence of any acceptance at anytime by the town of such road or any part thereof.

(B) Every highway (does not apply to state or county trunk highways or to any highway, street, alley or right-of-way that provides public access to a navigable lake or stream), shall cease to be a public highway at the expiration of four years from the time it was laid out, except such parts thereof as shall have been opened, traveled or worked with such time, and any highway, which shall have been entirely abandoned as a route of travel, and on which no highway funds have been expended for five years, shall be considered discontinued.

(C) When any highway shall be discontinued the same shall belong to the owner(s) of the adjoining lands; if it shall be located between the lands of different owners it shall be annexed to the lots to which it originally belonged if that can be ascertained; if not, it shall be equally divided between the owners of the lands on each side thereof.

(D) Whenever any public highway or public ground has been vacated or discontinued, any easements and rights incidental thereto acquired by or belonging to any county, school district, town, village or city or to any utility or person and relating to any underground or underground structures, improvements or services and all rights of entrance, maintenance, construction and repair of the structures, improvements or services shall continue, unless one of the following applies:

(1) The owner, (Town of Medford), of the easements and incidental right(s) gives written consent to the discontinuance of the easements and rights as a part of the vacation or discontinuance proceedings and the vacation or discontinuance resolution, ordinance or order refers to the owner's written consent.

(2) The owner, (Town of Medford), of the easements and incidental right(s) fails to use the easements and rights for a period of four years from the time that the public highway or public ground was vacated or discontinued.

(E) The town will abandoned or vacate all town owned public right-of-way easements that are not in use.

(Ord. 2-12-2002-1, passed 2-12-02)

§ 94.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

(B) Any person who violates any provision of § 94.02 for which no other specific penalty has been provided shall be subject to a forfeiture of not less than \$50, nor more than \$500, plus the costs and fees. Each day a violation continues shall constitute a separate violation.
(Ord. 4-13-2000, passed 4-13-00)

(C) Any person who violates § 94.04 shall forfeit not less than \$5 nor more than \$50 for each violation.
(Ord. passed 1-11-94)

CHAPTER 95: CEMETERIES AND BURIAL SITES

Section

- 95.01 Authority
- 95.02 Title and purpose
- 95.03 Adoption of chapter
- 95.04 Policy statement
- 95.05 New or expanded cemeteries

- 95.99 Penalty

§ 95.01 AUTHORITY.

The town has village powers and the specific authority under Wis. Stat. § 157.50(2) to adopt this chapter.

(Ord. 2-14-06-1, passed 2-14-06)

§ 95.02 TITLE AND PURPOSE.

(A) The title of this chapter is the Town “Cemetery and Burial Site Ordinance”.

(B) The purpose of this chapter is to regulate the construction and burial of human corpses and other cemetery uses and activities in the town not within the Medford Evergreen Cemetery and the Holy Rosary Catholic Church Cemetery.

(Ord. 2-14-06-1, passed 2-14-06)

§ 95.03 ADOPTION OF CHAPTER.

The Town Board, by this chapter, duly adopted with a quorum and roll call vote by a majority present and voting, provides the authority for the town and the Town Board to regulate the construction and burial of human corpses and other cemetery uses and activities not within the Medford Evergreen Cemetery and the Holy Rosary Catholic Church Cemetery. Reference to statutes are the Wisconsin Statutes in effect on adoption of the chapter and any successor statutes enacted thereafter.

(Ord. 2-14-06-1, passed 2-14-06)

§ 95.04 POLICY STATEMENT.

The Medford Evergreen Cemetery located in the town is owned and operated by the Medford Evergreen Cemetery Association. The Holy Rosary Catholic Church cemetery located in the town is owned and operated by Holy Rosary Catholic Church. The town may adopt in writing additional regulations and ordinances under Wis. Stat. § 157.11(2) for the operation, management and administration of any town municipal cemetery. The town reserves the right to amend any provision of this chapter to conform to newly developed cemetery practices.

(Ord. 2-14-06-1, passed 2-14-06)

§ 95.05 NEW OR EXPANDED CEMETERIES.

No person or authorized agents of any cemetery shall construct, manage, plat or operate any new or expanded cemetery of any type in the town, after the date of adoption of this chapter, without written approval of the Town Board. No human corpses and other cemetery uses shall be buried anywhere in the town other than in a surveyed certified cemetery approved by the Town Board. A *CEMETERY* for purposes of this chapter shall be any location for burial, as defined in Wis. Stat. § 157.061(1), of human remains, as defined in Wis. Stat. § 157.061(8), in the town, which has been dedicated as a cemetery, as defined in Wis. Stat. § 157.061(4) or as defined under common law. Proof of acceptance by the Town Board, or any other cemetery authority, of such burial sites for a cemetery shall be necessary for a determination of a cemetery by the Town Board under this chapter. Any new or expanded cemetery to be approved by the Town Board shall be, at a minimum, properly platted or determined by the Town Board, and then recorded with the Town Clerk and the County Register of Deeds.

(Ord. 2-14-06-1, passed 2-14-06) Penalty, see § 95.99

§ 95.99 PENALTY.

Any person who violates any provision of this chapter shall, upon conviction, be fined and shall forfeit for any violation under Wis. Stat. § 157.11(2) not more than \$10, and for a violation of this chapter, not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution. Each day that a violation continues shall be considered a separate offense. Where appropriate, the Town Board may seek injunctive relief action to prevent violations of the chapter and Wis. Stat. Chapter 157. Furthermore, the Town Board shall be permitted to withhold from any person, 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 have been satisfied.

(Ord. 2-14-06-1, passed 2-14-06)